

ABSTRACT

Title of Dissertation:

**CONSTRUCTING A LEGACY: THE
ROLE OF ANNIVERSARY
COMMEMORATIONS IN
REMEMBERING *BROWN V. BOARD OF
EDUCATION***

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Brown v. Board of Education (1954) was the landmark Supreme Court decision that outlawed legal segregation in the United States. This project engages with three commemorative events that mark the anniversary of the decision--the 25th, 50th, and 64th anniversaries--to investigate how public memory of *Brown v. Board of Education* is constructed and how the legacy of the decision is remembered. Anniversaries, as moments where *kairotic* and *chronotic* conceptions of time come together, offer an opportunity to (re)define the past through the work of public memory. Although Brown's memory at the "monumental" 25th anniversary featured coordinated regional commemorations, *Brown's* legacy of race and memory is nationalized and largely sanitized by the 50th anniversary. In contrast to these momentous anniversaries, the non-monumental 64th anniversary articulated a counter-regional identity for Topeka, Kansas. By tracing the public memory of *Brown* across a 60-year period, this dissertation extends James Boyd White's theory of justice-as-translation, asserting that the critical, rhetorical attention to the public memory of the *Brown* decision enacts a form of narrative justice and, consequently, advances a new way of conceptualizing persistent, *de facto* segregation and racial injustice in our contemporary world.

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COMMEMORATIONS IN REMEMBERING *BROWN V. BOARD OF*
EDUCATION

by

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Dedication

To all those who taught me along the way.

Acknowledgements

There were a number of people who knew I would pursue my PhD long before I did, and I am indebted to each of them for supporting me in this achievement. First, I would like to thank my family. To my parents, Doug and Eleanor, you have always supported my need to go above and beyond. Thank you for cheering me on and for providing the foundation that made this kind of achievement possible. To my husband, Britain, your support is as never-ending as it is invaluable. Thank you for figuring out how to keep our family healthy and happy while running the show on your own these last six months. To our son, Christopher Robin, thank you for understanding (well beyond your almost two-years) that sometimes I needed to work, even though I would much rather have been playing with you.

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Chapter 1: Introduction

On May 17, 1954, Earl Warren read the Supreme Court's unanimous decision in *Brown v. Board of Education*. Comprised of cases that the National Association for the Advancement of Colored People (NAACP) had initiated in different regions across the country, *Brown v. Board of Education* represented the Supreme Court's willingness to directly address the issue of racial inequality. By declaring "separate inherently unequal," the Supreme Court not only overturned nearly a century of racist precedent but began the slow dismantling of *de jure* segregation in U.S. American life. Following the decision in *Brown v. Board of Education*, social and political change related to racial integration would lag behind, even though legal barriers to integration had begun to erode. The decision was highly contested, often forcing prominent, public fights about the duty and scope of the federal government and the right of access to public education. Gradually, under direct supervision from the federal judiciary, municipalities drafted remedial plans to integrate their schools and implemented them with varying success.

The history of *Brown v. Board of Education* reflects the United States' continued complicated relationship with racial inequality – the elimination of *de jure* segregation juxtaposed with the persistent reality of *de facto* segregation. As a major event in the struggle for equal rights, *Brown v. Board of Education* is annually commemorated for its contribution to expanding civil rights for African Americans. Since 1954, there have been many efforts to commemorate *Brown v. Board of Education*, each reflecting the values and concerns of the year in which it occurred.

These commemorations have changed over the years, evolving from regionally coordinated commemorations, to nationally constructed official museum displays, to expressions of counter-memory regional identity.

This dissertation traces public memory of *Brown v. Board of Education* across a 60-year period, investigating the transformation of coordinated regional commemorations at the 25th anniversary into a national narrative at the 50th anniversary, which in turn yields to a re-assertion of the regional identity of Topeka in the non-monumental 64th anniversary. Part of this project is to explore how the five original cases contesting school segregation were condensed under the moniker of *Brown*. This condensation, which persists in dominant narratives, obscures the complexity of the different regions and different circumstances involved in school segregation circa 1954. The collapse of the past into more monolithic representations may be an inevitable trend in commemorative activity, but critical attention to the efforts to remember *Brown* can resurrect the diversity of segregation stories that animated the cases and, perhaps, become resources to address ongoing inequality.

In addition to illuminating the memory of *Brown* during the individual anniversaries, this project deepens knowledge of the case's aftermath and, in doing so, the larger project illustrates a new way to engage in narrative justice. Like familiar concepts such as social and restorative justice, there are forms of justice beyond legal formalism, and this dissertation endeavors to enact narrative justice, telling a story in order to better address a past wrong. For James Boyd White, the formalism of law was merely a springboard for exploring the process of meaning-making, asserting that the law is not a place to determine outcomes, but rather an activity drawn from the

relationships of actors and texts.¹ Ultimately, the law is performed through language, which articulates relationships between existing legal texts, which, White asserts, *translates* them into a singular *new* text. White's conception of translation resists the idea of justice as some "thing" to be achieved or some gold ring to be reached. Instead, justice is a performance – one which cultural actors may use and remake, but never fully understand or dominate. Instead, White explains the activity of translation as the "art of recognition and response," illustrating his point with a dialogic conversation.² If I call out to you and you cannot hear me and walk on by, no conversation begins. On the other hand, if you acknowledge me and we discuss the weather, we each have the chance to walk away changed. As a rhetorical activity, performances of justice offer ways of narrating our past and future differently by opening up different understandings and visions of historical events.

White's vision of narrative justice coheres with James F. Klumpp and Thomas A. Hollihan's challenge to rhetorical scholars to consider their work as moral action, as the catalyst for addressing the work undone in the world.³ This project extends that call for action by theorizing new ways in which the study of public memory texts can be understood as translating justice. Through the act of rhetorical criticism of various

¹ White writes that meaning is located in "the text I make in talking to you, and in your response to it" and observes that words do not carry around meaning "like pieces of freight." James Boyd White, *Justice As Translation* (Chicago: The University of Chicago Press, 1990), 229-30.

² White, *Justice as Translation*, 230.

³ James F. Klumpp and Thomas A. Hollihan, "Rhetorical Criticism as Moral Action," *Quarterly Journal of Speech* 75, no. 1 (1989): 84-97.

texts related to *Brown v. Board of Education* commemorations, this dissertation is itself a third text that projects a moral vision into the world—one that, I hope, enacts some kind of narrative justice. In this project, studying the legacy of *Brown v. Board of Education* creates a third text, examining the relationship between the 1954 decision to restore constitutional rights for African Americans and the subsequent commemoration of that decision. To do so, I focus on three anniversaries of the original decision, the 25th in 1979, the 50th in 2004, and the 64th in 2018.

Anniversaries are opportune moments to take stock of public memory, as they present a seemingly natural opportunity to redefine the present's relationship to the past during commemorative events that “celebrate and safeguard” the ideas of a society in what Barry Schwartz identifies as a “register of sacred history.”⁴ As tourism scholars Warwick Frost and Jennifer Laing note specifically, anniversary commemorative events rely on the same date connections as justification, solidifying the event and its worthiness in the public sphere.⁵

The rhetorical study of public memory directs critical attention toward narratives of past injustices and attempts to address such wrongs. Typically, calls for “justice” center on the legal avenues and remedies available as a part of modern

⁴ Schwartz's study into the iconography at the United States Capitol advances a theory about the nature of commemorations and their fidelity to historical fact. “Commemoration lifts from ordinary historical sequence those extraordinary events which embody our deepest and most fundamental values.” Barry Schwartz, “The Social Context of Commemoration: A Study of Collective Memory,” *Social Forces* 61, no. 2 (1982), 377.

⁵ Warwick Frost and Jennifer Laing, *Commemorative Events: Memory, Identities, Conflicts* (London: Routledge, 2013), 13.

society. The plaintiffs in *Brown v. Board of Education* were seeking legal remedy to the past injustices of segregation in public education, and as such, constitutional law held the power to provide that remedy. Studying the legacy of this decision in public memory, though, requires engaging with all aspects of the decision – as both a legal text and as a cultural touchstone.

Rhetorically, then, I engage with the *Brown* decision from the perspective of law-as-literature, which acknowledges that legal texts require interpretation, for, like other texts, they are bound up in context and power. In other words, as Peter Brooks writes, the idea of law is not as “just a directive but an activity involving audiences” as much as it involves those that have created the law.⁶ But law, of course, is not exactly literature. Although laws are conceived of and written by humanity, laws shape and order society; law does reflect reality in its stories, however. The conditions and responses through which humanity creates law are built upon a foundation of shared knowledge, response to experience, or the recognition of the self in another. This is similar to White’s approach of law as an activity, wherein language establishes relationships and fulfills a meaning-making function, positioning an approach like narrative justice as capable of addressing the uglier, unresolved chapters of history. The law becomes *one way* in which ideals of justice can be met, but by expanding White’s performative dimensions of language, justice can be enacted in a variety of different ways. Thus, if we recognize that telling the story of

⁶ Peter Brooks and Paul Gerwitz, *Law’s Stories: Narrative and Rhetoric in the Law* (New Haven: Yale University Press, 1996), 3.

the past is dynamic, always in process, then justice can be viewed as processual – not an achievement. Where the text centers on some past wrong, studying the ongoing public memorialization of that wrong can enact narrative justice by creating a third text that stimulates ongoing reflection and action. Drawing on White’s justice-as-translation unlocks a new function for the study of anniversary commemorations, and this dissertation is a concerted attempt to enact narrative justice that can critically address the gaps between justice as an achievement and justice as an in-progress, transitive activity. In other words, critical attention to how anniversaries shape an understanding of in/justice in the past is itself a kind of moral action that projects a more just possible future. Finally, this project offers a pathway for how studying public memory provides a different way to discuss enacting justice for past inequalities when more traditional remedies for injustices (like Supreme Court decisions) fail to produce enumerated goals.

This study answers three big questions:

- 1) What ideas are highlighted or obscured in commemorations of *Brown v. Board of Education* in 1979 (25 years), 2004 (50 years), and 2018 (64 years)? How do these themes reflect ideological positions and rhetorical cultures in their respective presents?
- 2) What is the role of anniversary in public memory studies? What tropes appear in anniversary discourse and how do they differ between ‘monumental’ anniversaries (25th, 50th) and ‘non-monumental’ anniversaries (64th)?

- 3) How might critical attention to anniversary commemorations of *Brown v. Board of Education*, informed by White's justice-as-translation, offer resources to address persistent *de facto* segregation and injustice?

By addressing these questions, this dissertation examines how *Brown v. Board of Education* was remembered at the 25th, 50th, and 64th anniversaries, with consideration for how both the changing contexts and the passage of time influence the way the case is remembered. In this introductory chapter, I will first establish the historical background of the case, given the complicated and diverse origins of the five original suits that were combined by the Supreme Court and decided together in May of 1954. Second, I will establish how anniversaries function as rhetorical events and discuss how anniversaries provide a novel way of engaging in studies of public memory. Third, I will explore how the move to nationalize public memory of the *Brown v. Board of Education* decision reflects changing concerns of the present and the enthymematic nature of public memory.

Crafting Brown v. Board of Education

Brown v. Board of Education is heralded as one of the most influential Supreme Court decisions in American history, but the complexity of the case's genesis and the outcomes of the case are less well-known. In *Brown*, the Court issued a dictum that the long-standing precedent of "separate but equal" established in *Plessy v. Ferguson* (1896) was insufficient to ensure equal rights for all citizens,

regardless of race.⁷ This decision signaled the Supreme Court's willingness to address race-based segregation, or what Schwartz refers to as "the judicial task" of addressing "the twentieth century's frenetic pace of societal change."⁸ Although consolidated into one decision, the ruling in *Brown v. Board of Education* actually addresses four cases argued together before the Supreme Court, with a fifth case, *Bolling v. Sharpe* (1954), decided concurrently. *Brown v. Board of Education of Topeka* (Kansas), *Briggs v. Elliott* (South Carolina), *Davis v. County School Board of Prince Edward County* (Virginia), and *Gebhart v. Belton* (Delaware) had all been brought separately but presented similar legal challenges to segregation and were decided based on the equal protection clause of the Fourteenth Amendment. The fifth case, *Bolling v. Sharpe* (Washington, D.C.), was decided in a separate ruling because it addressed the violation of due process denied to citizens of the United States by the federal government – given that the District of Columbia is not a state.⁹ All these cases were

⁷ Legal scholar Edward H. Levi distinguishes between a dictum, issued by courts, and statutes, issued by legislatures. Levi notes this important distinction because the standard of reasoning changes, based on the differences encountered by the party responsible for determining the next course of action. Kurt Nutting extends his analysis of reasoning by examining the "neutral-principle" of the law, weighing criticisms of the decisions in *Brown* and *Plessy*. Nutting concludes that whereas the decisions rely on different standards of reasoning, the emphasis on equality demands that the generalizations that allow for the legal ruling in *Plessy* to "elevate the abstract rule over the concrete moral and legal realities" of segregation cannot serve the meaning of the Constitution. See Edward H. Levi, *An Introduction to Legal Reasoning* (Chicago: University of Chicago Press, 1949), 6. See also, Kurt Nutting, "Legal Practices and the Reason of Law," *Argumentation* 16, no. 1 (2002), 114.

⁸ Bernard Schwartz, *A History of the Supreme Court* (New York: Oxford University Press, 1993), 263.

⁹ Even some strongly researched and useful volumes on Supreme Court history leave out these additional cases, and instead focus solely on *Brown* – or do not take the time

brought before to the court system using resources provided by the National Association for the Advancement of Colored People (NAACP), representing a coordinated legal strategy to challenge segregation in an effort to enact the constitutional guarantees of equal protection afforded to all American citizens.¹⁰

Of course, Supreme Court decisions do not occur in a vacuum and understanding *Brown v. Board of Education* requires contextualizing the landmark decision in relation to earlier Supreme Court precedents. Marouf Hasian and Geoffrey D. Klinger argue that Court decisions codify “ideological positions that presupposed rhetorical figurations of broader and more complex constituencies.”¹¹ In other words, the Court does not invent the positions it adopts in decisions; rather, Justices draw from ideas that already exist in rhetorical culture. Edward H. Levi posits that even if an idea initially fails to gain traction before a court, if “the idea achieves standing in society” and reappears before a court, an already “rejected idea” may be adopted by a Court upon another review.¹² The five cases in *Brown v. Board of Education* were

to explain the nuances of the segregation cases brought together before the Court. In fact, the legal tradition which shortens a long case to just the first suit is referred to by Peter Irons as a “quirk” or by Richard Kluger as an “idiosyncrasy,” with little explanation otherwise. See Schwartz, *A History of the Supreme Court*, 286-310; Peter Irons, *A People’s History of the Supreme Court* (New York: Penguin Books, 1999), 383; Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America’s Struggle for Equality* (New York: Vintage Books, 2011), 408.

¹⁰ Kluger, *Simple Justice*, 648-9.

¹¹ Marouf Hasian and Geoffrey D. Klinger, “Sarah Roberts and the Early History of the ‘Separate but Equal’ Doctrine: A Study in Rhetoric, Law, and Social Change,” *Communication Studies* 53, no. 3 (2002), 276.

¹² Levi, *An Introduction to Legal Reasoning*, 5.

certainly not the first cases brought before the Court asking the judiciary to address the constitutionality of segregation, nor were they the last. This means that from a historical, legal perspective, *Brown* is a point that exists on the larger continuum of the fight for equal rights and against racial discrimination. Consequently, public memory of legal discourse also reflects the interests and styles of their rhetorical culture, reconfiguring past events to address the concerns of a present.

One example of this continuum is illustrated by the primary challenge in *Brown v. Board of Education* to the doctrine of “separate but equal,” or segregated accommodations determined on the basis of (visual markers) of race. Speaking for a unanimous Supreme Court in 1954, Chief Justice Earl Warren concluded, “separate educational facilities are inherently unequal.”¹³ Although the phrase is often identified with *Plessy v. Ferguson* (1896), the “separate but equal” doctrine can be traced back to debates over public education in nineteenth century Boston where the terms “separate” and “equal” were scrutinized by the Massachusetts Supreme Court in *Sarah C. Roberts v. the City of Boston* (1849). Hasian and Klinger draw insights from the *Roberts* case, interrogating the rhetorical strategies of irony and tragedy which illustrate “inequitable power relations” and racial prejudice – both elements indicative of the “broader rhetorical culture.”¹⁴ In the *Roberts* case, the Massachusetts

¹³ *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), 496.

¹⁴ Hasian and Klinger, “Sarah Roberts and the Early History of the ‘Separate but Equal’ Doctrine,” 276-8. As Hasian and Klinger note, the segregated school system in Boston, ironically, was established by African American parents attempting to create safe spaces and equal opportunity in which their children could learn. In this context, the authors argue that the search for equality often meant a share of the taxes to support schools, since “education was considered to be the key to black mobility and

Supreme Court adopted a paternalistic view of the law concluding that discrimination was not “unreasonable,” but rather for the benefit of those (namely African Americans) within the system.¹⁵

By 1896, however, segregated accommodations strengthened as a vehicle for cultural power and reinscribed racial hierarchy in the Jim Crow South. Following his removal from an East Louisiana Railway car, Homer Plessy challenged the 1890 Louisiana statute that legalized racial segregation of rail cars.¹⁶ Plessy, who was biracial, claimed he had been denied access to the correct rail car. Mark Golub explains that Plessy’s strategic racial ambiguity made his case a strong challenge to the Louisiana Separate Car Act because it offered an opportunity to reveal deeper anxieties about race, interracial sexuality, and “passing.”¹⁷ When deciding *Plessy v.*

respect.” Hasian and Klinger, “Sarah Roberts and the Early History of the ‘Separate but Equal’ Doctrine,” 279, 272.

¹⁵ Hasian and Klinger, “Sarah Roberts and the Early History of the ‘Separate but Equal’ Doctrine,” 278. For discussion of *Roberts* and the “principle of reasonable classification” based on race, see also David W. Bishop, “Plessy V. Ferguson: A Reinterpretation,” *The Journal of Negro History* 62, no. 2 (1977), 128-9.

¹⁶ For an explanation of the elements of the case, see Richard A. Maidment, “Plessy v. Ferguson Re-Examined,” *Journal of American Studies* 7 (1973), 128; *Plessy v. Ferguson*, 163 U.S. 537 (1896), 538, 549.

¹⁷ Mark Golub, “Plessy as ‘Passing’: Judicial Responses to Ambiguously Raced Bodies in Plessy v. Ferguson,” *Law & Society Review* 39, no. 3 (2005), 564. For further reading on Plessy’s race, racial identity, and symbolic importance of raced spaces, see Julia H. Lee, “Estrangement on a Train: Race and Narratives of American Identity,” *ELH* 75, no. 2 (2008): 345-365; Roberto Avant-Mier and Marouf Hasian, Jr., “In Search of Whiteness: A Genealogical Exploration of Negotiated Racial Identities in America’s Ethnic Past,” *Communication Quarterly* 50, no. 3-4 (2002): 399-402; Peter Wallenstein, “Did Homer Plessy Die a White Man? Race and Southern History—The State of the Field,” *The Georgia Historical Society* 94 (2010): 62-96.

Ferguson, however, the Supreme Court essentially ignored Plessy's claims to racial identity and ruled only on whether the 1890 Louisiana statute was oppressive or reasonable. Although Plessy challenged the statute's violation of the Thirteenth and Fourteenth Amendments, Justice Henry Billings Brown upheld the law "upon the theory that one side of the street is as good as the other, or that a house or vehicle of one color is as good as one of another color."¹⁸ This decision, then, affirmed "equal, but separate, accommodations" for white and black passengers as required by law, provided that such regulations were exercised reasonably and for the "promotion of the public good."¹⁹ The lone dissenter in *Plessy v. Ferguson* was Justice John Marshall Harlan, who instead argued that the Constitution was color-blind and therefore incapable of supporting racial classifications in this manner.²⁰ *Plessy v. Ferguson* is notable because it affirmed *de jure* segregation and firmly cemented the "separate but equal" doctrine for decades to come.

NAACP's Shift in Legal Strategies

Brown v. Board of Education is a landmark decision for its outcome ordering the desegregation of public education, but it was by no means the only challenge to

¹⁸ *Plessy v. Ferguson*, 163 U.S. 537 (1896), 549-50.

¹⁹ *Plessy v. Ferguson*, 163 U.S. 537 (1896), 537, 550. See also Paul G. Kauper, "Segregation in Public Education: The Decline of *Plessy v. Ferguson*," *Michigan Law Review* 52, no. 8 (1954), 1139-41.

²⁰ Melvin I. Urofsky and Paul Finkelman, *A March of Liberty: A Constitutional History of the United States, Volume II* (New York: Oxford University Press, 2002), 483.

legal segregation. Much like in *Roberts* nearly a century earlier, public education proved fertile ground for addressing inequalities faced by African Americans. Mark Tushnet recounts the process of orchestrating legal challenges by the NAACP, outlining how the organization first sued on the grounds of equalization.²¹ By demonstrating to the courts that less money was allocated for African American school facilities, pupils, and teachers, the NAACP lawyers were able to show that although separate, public education was not equal. As a legal strategy, equalization focused on maintaining the purported status quo by forcing localities to abide by the promise of equalizing separate accommodations. This strategy, as Catherine Prendergrast argues, was akin “to us[ing] the master’s tools – bigotry – to attack the master’s house” and originally made some small differences in the everyday lives of black school children.²² But by 1948, the NAACP officially stated that the organization would no longer participate in cases with a “direct purpose [of] the

²¹ Mark V. Tushnet, *The NAACP’s Legal Strategy Against Segregated Education, 1925-1950* (Chapel Hill: University of North Carolina Press, 1987), 114-5; 160; Waldo E. Martin, Jr. defines the “equalization” strategy employed during this time by the NAACP as “The master plan... to render Jim Crow unworkable by demanding that the separate world of Southern blacks be made truly equal in every respect to that of Southern whites.” Waldo E. Martin, Jr., “The Brown Decision and Its Discontents,” in ed. Leon Friedman, *Brown v. Board: The Landmark Oral Argument Before the Supreme Court* (New York: The New Press, 2004), xviii.

²² Catherine Prendergast, *Literacy and Racial Justice: The Politics of Learning After Brown v. Board of Education* (Carbondale: Southern Illinois University, 2003), 20. Law professor William Rich makes a similar claim when he writes that “in the years leading up to that decision, lawyers for the NAACP followed a strategy aimed, as much as anything, to resonate with the nine white males who occupied seats on the United States Supreme Court.” William J. Rich, “Brown, Dominance, and Diversity,” *Washburn Law Journal* 43, no. 2 (2004), 317.

establishment of segregated public facilities.”²³ With this move, the NAACP replaced the strategy of equalization with one that Thurgood Marshall had long advocated for: direct challenge to the constitutionality of the system of segregation.

As Tushnet writes, the “goal of equity between white and black became defined as the joint participation of both races in all institutions of the organized community,” which more accurately reflected the desire for an integrated society.²⁴ Decades of fighting for equality in education settings meant the NAACP legal team had the necessary experience to continue to litigate several complicated desegregation cases at the same time, employing an approach that had proven successful in cases concerning admission to higher education opportunities across the country.²⁵

This new strategy of direct constitutional challenges resulted in bringing five public education cases before the Supreme Court in the 1952 term. The five cases originated from five different localities across the country. In the resulting opinion, Chief Justice Warren explained that although the cases “were premised on different facts and different local conditions” the Court considered them together because they all presented the same legal question. The Supreme Court had already granted *certiorari* to *Briggs v. Elliott* (Clarendon, South Carolina) and to *Brown v. Board of*

²³ Tushnet, *The NAACP’s Legal Strategy*, 22-24, 115, 160, 162.

²⁴ Tushnet, *The NAACP’s Legal Strategy*, 164.

²⁵ Tushnet, *The NAACP’s Legal Strategy*, 141; For more on cases suing for admission to higher education and graduate opportunities for African American students see *Murray v. Pearson*, 169 MD 478 (1936), *Sweatt v. Painter*, 339 US 629 (1950), and *McLaurin v. Oklahoma State Regents*, 339 US 637 (1950).

Education (Topeka, Kansas).²⁶ Although scheduled for oral arguments, *Briggs* and *Brown* were joined by *Davis v. County School Board of Prince Edward County* (Virginia) and delayed so that all three could be argued together.²⁷ Tushnet's research into the NAACP's work reveals that the clerk of the Supreme Court was instructed to contact the lawyers in *Bolling v. Sharpe*, a case pending in the District of Columbia, resulting in a bypass of the Court of Appeals to join the other school desegregation cases on the docket. Finally, *Gebhart v. Belton* (Delaware) brought a similar challenge and was added to the other four cases – delaying the oral arguments until the end of the term. As Tushnet explains, “The Court’s extraordinary actions in Washington and Delaware cases signaled its determination to dispose of the segregation issue.”²⁸ Together, these cases presented a clear challenge to the long-standing “separate but equal” doctrine.

Each of the five cases argued before the Court in 1952 addressed racial classifications in public schools, however, each case originated from a different local context and presented a distinct set of facts. Noting the distinctions in the cases is important because regional commemorations play a large role in the legacy of the decision. In the title case, *Brown v. Board of Education of Topeka*, Oliver Brown had attempted to enroll his eldest daughter, Linda, in the public school closest to their

²⁶ Kluger, *Simple Justice*, 534.

²⁷ *Brown v. Board of Education*, 344 U.S. 1 (1952); Tushnet, *The NAACP's Legal Strategy*, 142.

²⁸ Tushnet, *The NAACP's Legal Strategy*, 142-3. For another account of this procedure, see also Kluger, *Simple Justice*, 540-2.

house.²⁹ Following decades of dispute amongst the African American community in Topeka about whether desegregation would be injurious to black teachers, Brown and the twelve other plaintiffs in the case filed suit with the support of the NAACP to challenge the remaining areas of segregation in their public schools.³⁰ Although Oliver Brown did not ever clearly indicate why he signed onto the case, James T. Patterson suggests that his status as a war veteran, his activity in the local Methodist church, and his lack of prior connection the NAACP meant that he was less likely to be painted as a “dangerous radical” by those who opposed integration.³¹ Notably, only the lower levels of public education were segregated in Topeka and the facilities were not deemed unequal in quality, therefore the case turned on the utilitarian argument: forcing young children to travel longer distances to school based on their race resulted in feelings of inferiority.³² This position provided room to introduce psychological evidence to support the claims of inferiority – a choice that would

²⁹ James T. Patterson, *Brown v. Board of Education: A Civil Rights Milestone and Its Troubled Legacy* (Oxford: Oxford University Press, 2001), 32.

³⁰ Patterson, *Brown v. Board of Education: A Civil Rights Milestone and Its Troubled Legacy*, 33; For further reading on the disputes and court cases concerning segregation in Topeka’s Black community before *Brown* see National Park Historian Thom Rosenblum’s essay, Thom Rosenblum, “The Segregation of Topeka’s Public School System, 1879 – 1951,” *National Park Service*, <https://www.nps.gov/brvb/learn/historyculture/topekasegregation.htm>.

³¹ Patterson, *Brown v. Board of Education: A Civil Rights Milestone and Its Trouble Legacy*, 33.

³² *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), 486, n1; Patterson, *Brown v. Board of Education: A Civil Rights Milestone and Its Trouble Legacy*, 33.

prove crucial when the case advanced before the Supreme Court.³³ The NAACP had assembled a network of experts to testify to the psychological effects of segregation and constructed a position from which only declaring segregation unconstitutional remedied the injurious actions of separate but equal.³⁴

The case that originated in the black community in Clarendon, South Carolina, *Briggs v. Elliott*, initially focused on obtaining funds for a bus to relieve their children of the long walk to school every day. Patterson explains that by the sixth grade, most children in the county dropped out of school and as a result, the literacy rate among blacks in Clarendon county was abysmally low.³⁵ Sharecropping was the way of life in Clarendon, where African Americans accounted for more than 70% of the county's population, working agriculturally primarily on land owned by white men.³⁶ Even with the leadership of Thurgood Marshall, it was difficult to find

³³ Psychological evidence presented in the case is specifically cited in Footnote 11 of the decision, *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), 494, n11. For further discussion on the impact of psychological evidence in the cases, see Anders Walker, *The Ghost of Jim Crow* (Oxford: Oxford University Press, 2009); David Droge, "From Natural to Cultural Inferiority: The Symbolic Reconstruction of White Supremacy in *Brown v. Board of Education*," in ed. Clarke Rountree, *Brown v. Board of Education at Fifty: A Rhetorical Perspective* (Oxford: Lexington Books, 2004): 91-117.

³⁴ Tushnet, *The NAACP's Legal Strategy*, 141.

³⁵ By some surveys and estimates, Patterson reports that nearly 35% of blacks in the county were illiterate. Patterson, *Brown v. Board of Education: A Civil Rights Milestone and Its Trouble Legacy*, 23.

³⁶ Orville Vernon Burton, Beatrice Burton, and Simon Appleford, "Seeds in Unlikely Soil: The *Briggs v. Elliot* School Segregation Case," in eds. Winfred B. Moore Jr. and Orville Vernon Burton, *Toward the Meeting of the Waters: Currents of the Civil Rights Movement of South Carolina During the Twentieth Century* (Columbia: University of South Carolina Press, 2008), 177.

plaintiffs because the community in Clarendon faced the loss of their livelihoods, homes, and threats of physical violence.³⁷ Lead in part by the Reverend Joseph Armstrong “J.A.” DeLaine, who was also a local school teacher, the community finally pulled together twenty parents who were willing to sign onto a case “that demanded equal treatment across the board.”³⁸ The stakes in Clarendon were high. For example, listed plaintiff Henry Briggs was fired from his job at a gas station and unable to make a living in the county anymore.³⁹ Before *Briggs v. Elliot* reached the Supreme Court, the District Court had ordered the state to equalize the educational facilities in Clarendon County but had stopped short of granting black students admission to the white schools. By this time, presenting expert witnesses with psychological and sociological evidence was a key part of the NAACP’s legal strategy in all the cases, but notably, *Briggs* included testimony from African American sociologist Kenneth B. Clark citing data that came *directly* from Clarendon county.⁴⁰ Clark testified to the results of sociological experiments he conducted, known as the “doll test,” in a variety of cases, but the direct connection to South

³⁷ Ophelia DeLaine Gona, *Dawn of Desegregation: J. A. DeLaine and Briggs v. Elliot* (Columbia: University of South Carolina Press, 2011); Patterson, *Brown v. Board of Education: A Civil Rights Milestone and Its Trouble Legacy*, 23-5; Burton, Burton, and Appleford, “Seeds in Unlikely Soil: The *Briggs v. Elliot* School Segregation Case,” 181.

³⁸ Patterson, *Brown v. Board of Education: A Civil Rights Milestone and Its Trouble Legacy*, 24.

³⁹ Mark V. Tushnet, *Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936-1961* (New York: Oxford University Press, 1994), 154.

⁴⁰ John P. Jackson, Jr., *Social Scientists for Social Justice: Making the Case Against Segregation* (New York: New York University Press, 2001), 138.

Carolina stood out in *Briggs v. Elliott* and was an important part of Marshall's oral argument before the Supreme Court in 1952.⁴¹ As Clark's results demonstrated, when presented with two dolls (one white and one black), black children who had grown up in segregated societies would routinely select the white doll as the "good" one, suggesting even at a young age they had already internalized the narrative that they were inferior to their white counterparts.

The third case, *Davis v. County School Board of Prince Edward County*, was unique because it began with the efforts of black high school students – rather than from the parents of younger, black children. In April 1951, students at the only black high school in Prince Edward County, Virginia went on strike, demanding equal opportunity and support for their cause.⁴² They penned a letter to the Virginia NAACP and although the organization was initially reluctant to take a case from a region where white opposition was sure to be strong, by the beginning of May, Oliver Hill and Spottswood Robinson from the Richmond NAACP office had agreed to take the case.⁴³ Virginia would later become a site of "massive resistance" and Prince Edward County would close all public schools in an effort to avoid integrating them;

⁴¹ "Oral Argument in *Briggs v. Elliot*" in ed. Leon Friedman, *Brown v. Board: The Landmark Oral Argument Before the Supreme Court* (New York: The New Press, 2004), 38; For NAACP lawyer Robert Carter's firsthand explanation of the "doll test" and his choice to seek out Clark's testimony for the NAACP's cases, see Robert L. Carter, "Brown's Legacy: Fulfilling the Promise of Equal Education," *The Journal of Negro History* 76, no. 3 (2007), 244.

⁴² Jill Ogline Titus, *Brown's Battleground: Students, Segregationists, and the Struggle for Justice in Prince Edward County, Virginia* (Chapel Hill: University of North Carolina Press, 2011), 1.

⁴³ Titus, *Brown's Battleground*, 5-7.

but in 1951 the suit employed a legal strategy challenging segregation as unconstitutional. Like in the South Carolina case, the lower District Court ruled that although the school board was required to equalize the facilities and that there was no violation of constitutional rights in segregated public education.⁴⁴

In *Gebhart v. Belton*, one of the two *Brown* cases to experience an accelerated appeals process, the lower courts in Delaware had ruled in favor of allowing black students into white schools, but stopped short of deeming segregation unconstitutional.⁴⁵ It was the defendants who ultimately insisted on continuing the appeals process to receive a ruling with regard to constitutionality from the Supreme Court.⁴⁶ The local context in Delaware differed from the open, vitriolic racism in Virginia and South Carolina, but black students living in the suburbs of Wilmington were nevertheless made to board buses and travel many miles into the city to attend the black school.⁴⁷ In seeking remedy from the Court, the parents of both elementary and secondary students in *Gebhart v. Belton* sought to eliminate the segregated system of public education in their state once and for all.

The fifth and final case, *Bolling v. Sharpe*, originated in the District of Columbia when in 1950, students in Washington, D.C. approached the principal at

⁴⁴ *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), 486, n1.

⁴⁵ Patterson, *Brown v. Board of Education: A Civil Rights Milestone and Its Trouble Legacy*, 31.

⁴⁶ *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), 486, n1.

⁴⁷ Charles J. Ogletree, Jr., *All Deliberate Speed: Reflections on the First Half Century of Brown v. Board of Education* (New York, New York: W.W. Norton & Company, 2004), 5.

Sousa Junior High but were refused admission on the basis of race.⁴⁸ Howard University trained lawyer James L. Nabrit filed a complaint on behalf of the students, carefully arguing that the Fifth Amendment's due process clause ensured "liberty" for these students – a different approach than the other four cases challenging segregation in public schools via the Fourteenth Amendment, which governed the conduct of *states* and therefore did not apply to the District of Columbia.⁴⁹ Instead, Nabrit's legal approach required Congress to justify the use of racial segregation in the affirmative, rather than forcing the plaintiff to prove segregation was injurious (like the other four cases).⁵⁰

Changes on the Supreme Court

Each of the five cases brought the same legal question before the Supreme Court, and the Court's answer came under the umbrella of what is now commonly known as *Brown v. Board of Education*. The path toward eliminating *de jure* segregation was not direct. After initial oral arguments in 1952, the Supreme Court issued an Intermediate Order indicating that in rearguing the case, special attention should be paid to the original intentions of the Fourteenth Amendment. According to Richard Kluger's comprehensive history of the case, the Supreme Court had taken a soft vote at the end of the 1952 term, with four justices ready to overturn *Plessy* and

⁴⁸ Lisa A. Crooms, "Race, Education, and the District of Columbia: The Meaning and Legacy of *Bolling v. Sharpe*," *Washington History* 16, no. 2 (2004/2005), 16.

⁴⁹ Crooms, "Race, Education, and the District of Columbia," 17.

⁵⁰ Crooms, "Race, Education, and the District of Columbia," 17.

one ready to affirm the doctrine of “separate but equal.”⁵¹ Reportedly fearful of deciding such an impactful case too narrowly, Chief Justice Fred Vinson tabled a vote and instructed the lawyers to prepare for re-argument the next term.⁵² But before the 1953 term began, Chief Justice Vinson passed away, prompting a major shift in the composition of the Court.⁵³ Eisenhower expediently made a recess appointment, nominating California Governor Earl Warren to be the new Chief Justice before the new term was scheduled to begin – ensuring there were nine justices seated for the oral arguments in the school desegregation cases.⁵⁴

With Warren presiding as the new chief, the Supreme Court heard arguments in the *Brown v. Board of Education* cases. How, then, did the tide shift from a case too narrow to decide to a unanimous vote, with eight of nine justices reseated on the bench? As previously mentioned, an integral part of the NAACP’s legal strategy was to present sociological and psychological evidence demonstrating the harm that segregation inflicted on African American students. The goal in individual trials was

⁵¹ Kluger, *Simple Justice*, 617.

⁵² Kluger, *Simple Justice*, 617-8; Leon Friedman, *Brown v. Board: The Landmark Oral Argument Before the Supreme Court*,” xii. Versions of this history are retold in many places, with varying degrees of intention attributed to the justices’ position in conference.

⁵³ Urofsky and Finkelman, *A March of Liberty*, 778.

⁵⁴ Chief Justice Earl Warren took his seat three days before opening arguments in the 1953 term. He was confirmed by a voice vote in the Senate five months later on March 1, 1954; David Alistair Yalof, *Pursuit of Justices: Presidential Politics and the Selection of Supreme Court Nominees* (Chicago: University of Chicago Press, 1999), 50. For a brief chronological timeline of the five cases in *Brown*, see Mark Tushnet and Katya Lezin, “What Really Happened in *Brown v. Board of Education*,” *Columbia Law Review* 91, no. 8 (1991), 1869, n9.

to employ a legal tactic called “reasoning by example,” by offering testimony from social scientists, like Clark’s “doll test,” that concluded segregation systematically precluded *any* possibility for equality.⁵⁵ In the *Brown* decision, Warren directly cites Clark’s results and indicates their importance in weighing the impacts of the “separate but equal” doctrine. In preparation for their appeal to the Supreme Court, NAACP lawyer Robert L. Carter devised the two-pronged argument that required use of social scientific backing. First, the NAACP had to prove that “racial classification was an unreasonable exercise of state power” because race did not influence a student’s ability to learn. Secondly, they had to convince the Court that segregation deprives black children of equal opportunity and was therefore “detrimental and injurious to the mental and personality development” of these students.⁵⁶ David B. Strother describes the rhetorical power of the social scientific evidence across these cases, noting that although the inclusion of such evidence was not novel, the procedural tactic to include a large volume of expert witnesses in the lower court cases established its ultimate value for consideration by the Supreme Court.⁵⁷

Of course, scientific evidence was also commonly offered in support of racism and discrimination in cases across the spectrum. Moreover, as David Eisenberg

⁵⁵ Levi, *An Introduction to Legal Reasoning*, 5.

⁵⁶ Jackson, *Social Scientists for Social Justice*, 155.

⁵⁷ David B. Strother, “Polemics and the Reversal of the ‘Separate but Equal’ Doctrine,” *Quarterly Journal of Speech* 49, no. 1 (1963), 52-3; Social scientific evidence was not necessarily novel, and had been used in support for labor regulations as early as *Muller v. Oregon* (1908). See Mark Whitman, *Brown v. Board of Education: A Documentary History Fiftieth Anniversary Edition* (Princeton, New Jersey: Markus Wiener Publishers, Inc., 2004), xxiv.

writes, scientific views of the day often were used to legitimize segregation.⁵⁸ Claims about lower intelligence, primitivism, and inherent differences between the races were common, and according to John P. Jackson, the social scientists involved in the *Brown* cases held faith in the “social power of the law... to impose social stigmata or create a new social climate.”⁵⁹ Because social scientists were able to make tangible the “intangible factors” expressed in *Sweatt v. Painter* (1950) and *McLaurin v. Oklahoma* (1950), their work was a key element of the NAACP’s legal strategy.⁶⁰ Writing for the Court in *Brown*, Warren included social scientific evidence in Footnote 11 of the decision, signaling that the NAACP’s two-point argument to reframe “equality” as access and opportunity, proving the injurious nature of segregation permeated the Court’s previously held positions. The outcome of the *Brown* decision suggests that the Supreme Court saw fit to address the discrimination which had been codified into law, not by divine right or natural order (per the segregationists’ argument) but by the way law reflects the attitudes of society. In Jackson’s words:

If the law was discriminatory, it was because people were prejudiced; it was the attitude of people (prejudice) that caused the law (discrimination). Hence, to ensure a just and equitable society, it was necessary to educate prejudiced people to overcome their prejudices.

⁵⁸ David A. Eisenberg, “In the Names of Justices: The Enduring Irony of *Brown v. Board*,” *The Journal Jurisprudence* 22 (2014), 110, 114.

⁵⁹ Jackson, *Social Scientists for Social Justice*, 214-5.

⁶⁰ Jackson, *Social Scientists for Social Justice*, 213.

Once the basic attitude of people changed, discrimination in the law, and in other social institutions, would also change.⁶¹

When the cases were re-argued before Warren's court, social scientific evidence played a key role in securing a ruling on the unconstitutionality of segregation in public schools.

Challenges Following the Decision

Chief Justice Warren scheduled an updated hearing for *Brown v. Board of Education* the following year. In what has become known as *Brown II* (1955), the Court debated the complexities of implementing desegregation *in situ*. Because the cases originated in different localities and from different conditions, it comes as no surprise that in *Brown II* the Court had to address a variety of outcomes. Specifically, although Kansas, Delaware, and the District of Columbia made “substantial progress” in meeting the principles of educational equality set forth by the Court, Warren indicates that the jurisdictions in Virginia and South Carolina asked the courts how they should begin the process of desegregating their schools.⁶² To this end, the Supreme Court decided to remand cases back to the lower courts, allowing “practical flexibility in shaping remedies” for a variety of local contexts.⁶³ In doing so, the

⁶¹ Jackson, *Social Scientists for Social Justice*, 217.

⁶² *Brown v. Board of Education of Topeka*, 349 U.S. 294 (1955), 349.

⁶³ *Brown v. Board of Education of Topeka*, 349 U.S. 294 (1955), 349.

decision in *Brown II* instructed the lower courts to do what is “necessary and proper” to ensure desegregation “with all deliberate speed.”⁶⁴

With flexibility, however, came the opportunity to delay implementing desegregation plans. Without a clear federal mandate for pace and/or structure, local jurisdictions were again left to their own devices. Reports from the 1957-1958 school year indicate that although some 740 school districts had at least initiated the desegregation process, 2,300 school districts (totaling almost 10 million students) had not even begun.⁶⁵ Reflecting on the language and impact of *Brown II*, Carter believed that in order to achieve the unanimity of the Court’s first decision, the lives of actual school children had been overlooked. He writes that the move in *Brown II* to return “responsibility overseeing desegregation to the lower courts that had already proven themselves reluctant” resulted in “the vaguest of instructions as to how to proceed,” creating time for the South to avoid compliance.⁶⁶

Using political maneuvers to suppress dissent, a campaign of massive resistance led by members of the U.S. Congress, aimed to prevent integration from occurring at any level of public schooling. Documents like the “Declaration of Constitutional Principles” (more commonly referred to as the “Southern Manifesto”), which was signed by 77 Congressmen and 19 Senators, as well as read into the record of the U.S. House, declared organized resistance and invoked a defense of states’

⁶⁴ *Brown v. Board of Education of Topeka*, 349 U.S. 294 (1955), 349.

⁶⁵ Robert B. McKay, “‘With All Deliberate Speed:’ Legislative Reaction and Judicial Development 1956-1957,” *Virginia Law Review* 43, no. 8 (1957), 1206.

⁶⁶ Carter, “Brown’s Legacy: Fulfilling the Promise of Equal Education,” 245.

rights necessary “when men substitute naked power for established law.”⁶⁷ Since education was provided by the states, many states across the South simply eliminated their constitutional requirements to provide public education while establishing private boards to offer education to white students.⁶⁸ Those in the South who opposed integration often created “protective organizations,” the sole purposes of which were to oppose and prevent any legislative or social changes to Jim Crow society. One notable group, the White Citizens’ Council, quickly grew to count “governors, congressmen, judges, physicians, lawyers, industrialists, and bankers” among its members and was described in the *Atlanta Journal* as “the new Ku Klux Klan without hoods.”⁶⁹ Michael J. Klarman writes that “by the time *Brown II* was decided, violence was no longer simply an abstract possibility.”⁷⁰ Legally, segregation had been deemed unconstitutional; socially, Jim Crow remained.

Thus, the contemporary interpretation of *Brown v. Board of Education* as an important legal milestone is at once both accurate and incomplete. As Jeffrey J. Wallace notes, “the blatant racism and the anti-Black attitudes are, for the most part,

⁶⁷ “Declaration of Constitutional Principles,” presented on March 12, 1956, 84th Congress, 2nd Session, *Congressional Record* 102, pt. 4, 4459-4460.

⁶⁸ Titus, *Brown’s Battleground*, 16-9.

⁶⁹ Neil R. McMillen, *The Citizens’ Council: Organized Resistance to the Second Reconstruction, 1954-64* (Urbana: University of Illinois Press, 1994), 11.

⁷⁰ Michael J. Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* (Oxford: Oxford University Press, 2004), 314.

‘out of sight and out of mind’ for many Americans [today].”⁷¹ The Supreme Court has ruled on dozens of school desegregation cases, articulating how and when race may be taken into account in educational contexts.⁷² More recent cases like *Parents Involved v. Seattle* (2007) and *Schuetz v. Coalition to Defend Affirmative Action* (2014) illustrate the ongoing debate about the role of racial classification in public education and highlight disagreements among the justices concerning the best way to achieve quality outcomes in education for America’s students. As Ryane McAuliffe Straus and Scott Lemieux note, in the post-*Brown* era debate over racial classifications converts the landmark 1954 case from a “pro-integration symbol” to a “mere judicial formality.”⁷³ Like the ideological perspective of current school choice advocates, the Supreme Court has recently ruled that the federal Court’s decades of judicial oversight proved sufficient and that further interference with the autonomy of parents and school districts is no longer of compelling governmental interest.

⁷¹ Jeffrey J. Wallace, “Ideology vs. Reality: The Myth of Equal Opportunity in a Color Blind Society,” *Akron Law Review* 36, no. 4 (2003), 705.

⁷² For examples of Supreme Court cases that have clarified how and when racial classifications may be used in education, see *Swann v. Charlotte-Mecklenberg Board of Education*, 402 U.S. 1 (1971), *Keyes v. School Dist. No.1*, 413 U.S. 189 (1973), *Milliken v. Bradley*, 433 U.S. 267 (1977), *Regents of Univ. of California v. Bakke*, 438 U.S. 265 (1978), *Missouri v. Jenkins*, 515 U.S. 70 (1995), *Grutter v. Bollinger*, 539 U.S. 306 (2003), and *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 551 U.S. 701 (2007); for an comprehensive list of school desegregation cases see “Timeline of School Desegregation Cases from Brown to Fisher,” *American Bar Association*, 2013, https://www.americanbar.org/content/dam/aba/administrative/litigation/materials/aba-annual-2013/written_materials/20_lessons_in_leadership.authcheckdam.pdf.

⁷³ Ryane McAuliffe Straus and Scott Lemieux, “The Two Browns: Policy Implementation and the Retrenchment of *Brown v. Board of Education*,” *New Political Science* 38, no. 1 (2016), 46.

Understanding *Brown v. Board of Education* requires attention to the history of the post-*Brown* era, which bears marks of both positive social and political progress as well as roadblocks at local and federal levels. Or, to borrow the observation of psychologist Thomas F. Pettigrew, “The road to *Brown v. Board* (1954) was a slow and circuitous climb, whereas the retreat from *Brown* has been swift and direct.”⁷⁴

Perhaps more telling that the decades of judicial retreat from a commitment to integrating public schools are the shortcomings of the decision itself. Indeed, the study of *Brown v. Board of Education* has served as a reminder that even controversial Supreme Court decisions do not always reconfigure assumptions about race in the United States. For example, amidst the heated busing controversy and debates over the Mottl Amendment, a 1977 policy review of *Brown*’s contributions concluded that racism persisted as “the most disturbing and complex issue confronting America.”⁷⁵ While the decision in *Brown v. Board of Education* determined that separate could not be equal, it simultaneously *rearticulated* problematic judgments about African Americans’ deficit as citizens. As Donald L.W. Howie noted in 1973, *Brown* reiterated racist assumptions previously articulated in *Plessy* and *Dred Scott v. Sandford* (1857), perpetuating the notion that black school children could only benefit from integrating among white school children. Howie

⁷⁴ Thomas F. Pettigrew, “Justice Deferred: A Half Century After *Brown v. Board of Education*,” *American Psychologist* 59, no. 6 (2004), 521.

⁷⁵ J. John Harris III, Beverly Lindsay, and David G. Carter, Sr., “Desegregation Since *Brown v. Board of Education*: A Critical Assessment,” *Journal of Thought* 12 (1977), 220; see also 221-223.

writes, “Brown is the quintessential Plessy,” easily maintaining the “notorious legacy of american racism [sic]” by reinscribing the same system that relegated Dred Scott to the status of property.⁷⁶ In Prendergrast’s more recent study of *Brown* she also asserts that “although the decision in *Brown* helped fuel the civil rights movement... [it] resulted in defining racism as school segregation,” which allowed the court to conclude that the remedy to racism was simply the “opportunity to be educated among Whites [sic].”⁷⁷ As such, when *Brown v. Board of Education* is treated as an achievement of justice, these conceptions of race are implicitly repeated and reaffirmed.

Problematic constructions of race, of equality, and of opportunity have clouded the potential for the *Brown* decision to address the systematic inequalities that exist for students of color, equating the decision outlawing segregation as analogous to achieving equal access and equal educational experience. Candace Epps-Robertson explains that resistance to integration illustrated how the nation was “grappling to understand the implications of equal access to education,” while “[West Virginia Senator Robert] Byrd and the Defenders presented arguments to preserve a construction of citizenship bound to racialized hierarchies.”⁷⁸ Because *Brown* did not (and perhaps could not) have formally remade the relationship between white and

⁷⁶ Donald L. W. Howie, “The Image of Black People in Brown V. Board of Education,” *Journal of Black Studies* 3, no. 3 (1973), 383.

⁷⁷ Prendergrast, *Literacy and Racial Justice*, 3, 19-20.

⁷⁸ Candace Epps-Robertson, “The Race to Erase Brown v. Board of Education: The Virginia Way and the Rhetoric of Massive Resistance,” *Rhetoric Review* 35, no. 2 (2016), 117.

black citizens, public remembrances of the decision continue to wrestle with this relationship into the present. Harvard Law Professor Derrick Bell writes that “like other landmark cases, [*Brown*] has gained a life quite apart from the legal questions it was intended to settle.”⁷⁹ The legacy of *Brown v. Board of Education* is a dynamic and complex one, and as Bell observes, its early signals of victory for the African American community have “served to reinforce the fiction that... the path of progress would be clear.”⁸⁰ Reflecting on his own upbringing post-*Brown*, law professor Charles J. Ogletree, Jr. asserts a similar prognosis: “While the *Brown* lawyers were right to celebrate this remarkable achievement,” the promise of integration remains elusive.⁸¹

With lower courts in charge of the school desegregation plans, no specific federal mandate existed for either how or when schools would be desegregated, and it was often young students who faced the realities of this violent resistance. Ogletree, Jr. writes that “the violent resistance to integration proved to be more than anyone had imagined.”⁸² Danielle Allen discusses these threats in *Talking To Strangers*, studying the protests and violence that occurred when African American student Elizabeth Eckford attempted to attend her first day at Central High School in Little Rock, Arkansas. Focusing critical attention on a photograph that captures a white

⁷⁹ Derrick Bell, *Silent Covenants: Brown v. Board of Education and the Unfulfilled Hopes for Racial Reform* (Oxford: Oxford University Press, 2004), 4.

⁸⁰ Derrick Bell, *Silent Covenants*, 7.

⁸¹ Ogletree, Jr., *All Deliberate Speed*, 14.

⁸² Ogletree, Jr., *All Deliberate Speed*, 14.

student, Hazel Bryan, violently cursing at Eckford as she turns to leave the school grounds, Allen argues that the photograph “recorded the two-ness of citizenship as it existed in 1957.”⁸³ African Americans had been granted their legal rights, but enacting them required immense faith in the rule of law against the real threat of physical violence. Allen observes that whites and blacks had “lived radically different versions of democratic life,” and when those two worlds collided in everyday activities such as attending school, no single “American” identity could account for both sides.⁸⁴

The image of Eckford being violently jeered and physically barred from entering Central High School in 1957 is striking, but perhaps the most concerning unintended outcomes of *Brown v. Board of Education* can be found in re-segregation trends across the country. The Supreme Court’s 1954 decision was not widely welcomed across states with legally segregated school systems. However, because *Brown v. Board of Education* eliminated *de jure* segregation practices, school districts that had once legally discriminated on the basis of race were barred from continuing to do so. Contrary to popular belief, this eventually led the South to get closer to the goal of integration among white and black students than other regions of the country.⁸⁵ Still, as Gerald N. Rosenberg reported, despite the unanimous opinion by

⁸³ Danielle Allen, *Talking to Strangers: Anxieties of Citizenship Since Brown v. Board of Education* (Chicago: University of Chicago Press, 2009), 13.

⁸⁴ Danielle Allen, *Talking to Strangers*, 13.

⁸⁵ See Genevieve Siegel-Hawley and Erica Frankenberg, “Southern Slippage: Growing School Segregation in the Most Desegregated Region of the Country,” *The Civil Rights Project*, September 2012: 1-47,

the Supreme Court, 10 years after the *Brown* decision “barely 1 out of every 100 black children attended school with whites” nationwide.⁸⁶ Debates over methods of integration, shifting demographics, and additional remedial limits delineated by the Supreme Court have led Gary Orfield and Susan Eaton of the Civil Rights Project at UCLA to characterize the post-Brown era as “progress toward, then retreat from, the goal of racially integrated education.”⁸⁷ According to their most recent report, segregation remains a critical issue in education policy. Following the decision in *Brown v. Board of Education*, the immediate resistance to integration “attracted increased attention and a flourishing of research and policy,” but The Civil Rights Project notes that statistically, there have been major shifts towards re-segregation since the 1980s.⁸⁸

Remembering Civil Rights

The study of public memory directs attention to interdisciplinary questions about the genesis of, participation in, and effects of the active process of

<https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/mlk-national/southern-slippage-growing-school-segregation-in-the-most-desegregated-region-of-the-country/hawley-MLK-South-2012.pdf>.

⁸⁶ Gerald N. Rosenberg, *Hollow Hope: Can Courts Bring About Social Change?* (Chicago: The University of Chicago Press, 1993), 52.

⁸⁷ Gary Orfield and Susan Eaton, *Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education* (New York, New York: The New Press, 1996), xiv.

⁸⁸ Gary Orfield and Erica Frankenberg, “Brown at 60: Great Progress, a Long Retreat, and an Uncertain Future,” *The Civil Rights Project*, May 15, 2014, <https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/brown-at-60-great-progress-a-long-retreat-and-an-uncertain-future/Brown-at-60-051814.pdf>.

remembering. In the context of civil rights stories, the study of public memory can help elucidate forgotten elements of the historical record, interrogate the construction of collective memories, and provide an outlet for a more nuanced discussion of the relationship between past racial injustice and contemporary pursuits of racial justice. Specifically, this dissertation explores themes deployed in commemorative activities of *Brown v. Board of Education* at anniversaries and seeks to establish how public memory study of past racial injustices can enact White's process of "justice as translation," creating a novel way of thinking about how the past and the present connect. Exploring this relationship between past racial injustices and anniversary commemorations of the *Brown* decision requires balancing the various regional representations of the cases with moves to condense, or counter, nationalized public memory of the decision. Although *Brown v. Board of Education* redefined "equal" and ended *de facto* segregation, one cannot ignore the reality that most American students attend highly segregated schools in 2018.⁸⁹

The social framework of memory, which dictates that memory only exists in public spaces, created by publics for publics, is foundational for this project. Maurice Halbwachs' theory of the social framework of memory establishes that it is the group that remembers, and that group together determines meaning in a shared process.⁹⁰ Collective memory is created by and addressed to groups of people, or publics, but it

⁸⁹ Orfield and Frankenberg, "Brown at 60."

⁹⁰ Maurice Halbwachs, *On Collective Memory*, ed. Lewis A. Coser (Chicago: University of Chicago Press, 1992), 38, 82.

is not a static interpretation of the ideas in society.⁹¹ As Halbwachs explains, memories are imbued with meaning and embodied by people, and those groups “exist in the passage of time and leave their traces in the memory of people.”⁹² It is the “passage of time” which I pose as uniquely compelling for this study. Memory scholar Pierre Nora refers to the interplay between time and persons as the fluidity of living. He writes, “Memory is life...It remains in permanent evolution, open to the dialectic of remembering and forgetting, unconscious of its successive deformations, vulnerable to manipulations and appropriation, susceptible to being long dormant and periodically revived.”⁹³ This has been echoed recently by Dickinson, Blair, and Ott in their study of “memory places,” where they acknowledge that efforts to remember are “activated by concerns, issues, or anxieties of the present.”⁹⁴ It is the collective of the *people* in the time of the *present* which continually constructs and influences the connection to the past. We can understand that the “present,” circles like a spiral – one present must concede to the next present, and so on.

As the concerns of the present moments shift, one present gives way to the next. For example, although there was a point in time when a Confederate memorial

⁹¹ For more, see Phillips’ discussion in his introduction about the ways that public memories “affect and are effected by various publics.” Kendall R. Phillips, *Framing Public Memory* (Tuscaloosa: University of Alabama Press, 2004), 3, 4-6.

⁹² Halbwachs, *On Collective Memory*, 188.

⁹³ Pierre Nora, “Between Memory and History: Les Lieux de Memoire,” *Representations* 26 (1989), 8.

⁹⁴ Greg Dickinson, Carole Blair, and Brian L. Ott, *Places of Public Memory* (Tuscaloosa: University of Alabama Press, 2010), 6.

was erected as a symbol to enforce the dominance of white supremacy, the considerations of the present have encouraged their removal for that same representation of white Supremacy. It is this collective enterprise of *repeatedly redefining* a particular narrative of the past in one present that signals how anniversaries offer fruitful texts for collective memory studies.

Thus, this project examines commemorative events occurring on the anniversaries of the *Brown v. Board of Education* decision, emphasizing the rhetoricity of public memory that recognizes representations of the past are contested, constructed, and (re)collected; or as Phillips summarizes, “the essentially rhetorical” enterprise of public memory is the attention to that which creates or compels meaning.⁹⁵ For as Halbwachs also articulated, the individual may seek to remember, but that memory cannot be confirmed until it is externalized and disciplined by the social framework.⁹⁶ Commemorative events are complex, ephemeral performances

⁹⁵ Phillips, *Framing Public Memory*, 2-3. Studying this essentially rhetorical relationship results in what John Bodnar refers to as “the fundamental issues about the entire existence of society: its organization, structure of power, and the very meaning of its past and present... and by implication, its future.” It is the same relationship that James Boyd White articulates in his definition of rhetoric: “the study of ways in which character and community – and motive, value, reason, social structure, everything...in short, that makes culture – are defined and made real in performances of language.” John Bodnar, *Remaking America: Public Memory, Commemoration, and Patriotism in the Twentieth Century* (Princeton: Princeton University Press, 1992), 14-5; James Boyd White, *When Words Lose Their Meaning* (Chicago: University of Chicago Press, 1984), x-xi.

⁹⁶ Phillips interrogates a similar distrust of individual memory (the “failure” of memory “through the process of misremembering or misrecognition”) in his discussion of the allegory of the bird collector and the act of “recollecting” what one already had or had experienced. Kendall R. Phillips, “The Failure of Memory:

that draw from broader rhetorical cultures to construct a particular interpretation of the past for the present audience. Following what Stephen H. Browne has termed the “politics of commemoration,” or the power to control what is remembered, this project engages anniversary commemorations in order to examine how a singular story of *Brown* has come to be solidified in the national consciousness and ways that counter-narratives have been deployed to push back.⁹⁷

The Temporal Dimension of Public Memory

Engaging with public memory texts necessarily means accounting for the incomplete and partiality of such texts. It is widely accepted that no one representation of the past could account for or satisfy all perspectives of a public; instead, as Barbie Zelizer characterizes public memory, “it is often pieced together like a mosaic.”⁹⁸ The primary way that these gaps in the memory record have been addressed in public memory studies is to focus on the materiality of memory. Blair, Jeppeson, and Pucci suggest that the post-modern design of the Vietnam Veteran’s

Reflections on Rhetoric and Public Remembrance,” *Western Journal of Communication* 74, no. 2 (2010), 210, 212, 217.

⁹⁷ Stephen H. Browne, “Remembering Crispus Attucks: Race, Rhetoric, and the Politics of Commemoration,” *Quarterly Journal of Speech* 85, no. 2 (1999), 169.

⁹⁸ Barbie Zelizer laid out these expectations in her early review essay on a rhetorical approach to memory studies, stating that “no single memory contains all that we know, or could know, about any given event, personality, or issue.” Barbie Zelizer, “Reading the Past Against the Grain: The Shape of Memory Studies,” *Critical Studies in Mass Communication* 12 (1995), 225.

Memorial allows for multiple interpretations.⁹⁹ Nicole Mauratonino examines an interactive post-it note display at the American Civil War Center as a literal trace of a visitor's interaction with a place of public memory.¹⁰⁰ Andrew Wood traverses Route 66 and argues the realism and simulacra of public memory blur the lines of what reproduction of the past is and its relationship to nostalgic performances of the past.¹⁰¹ To account for the active processes of remembering, public memory scholars have had to investigate the rich materiality of places and spaces.

Less attention has been given to the temporal dimension of public memory. I employ an approach that considers how anniversary commemorative events function as sites of public memory. Space and place provide rich texts in the study of public memory, but time is an equally important dimension.¹⁰² In the same way that location, for example, can be elevated over other dimensions of a text, I address the assumption that public memory texts are partial and incomplete by engaging with the recurrence of "same time" commemorations and the opportunity to redefine memory for

⁹⁹ Carole Blair, Marsha S. Jeppeson, and Enrico Pucci, Jr., "Public Memorializing in Postmodernity: The Vietnam Veterans Memorial as Prototype," *Quarterly Journal of Speech* 77, no. 3 (1991): 263-288.

¹⁰⁰ Nicole Mauratonio, "Material Rhetoric, Public Memory, and the Post-it Note," *Southern Communication Journal* 80, no. 2 (2015): 83-101.

¹⁰¹ Andrew Wood, "Two Roads Diverge: Route 66, 'Route 66,' and the Mediation of American Ruin," *Critical Studies in Media Communication* 27, no. 1 (2010): 67-83.

¹⁰² Nicole Allen makes a similar argument, attending to "chronistic criticism" as a method of "investigating the rhetorical arrangement, or synchronization, of multiple processes of change;" see Nicole T. Allen, "A Reconsidering Chronos: Chronistic Criticism and the First 'Iraqi National Calendar,'" *Quarterly Journal of Speech* 104, no. 4 (2018): 361-381.

different presents. Like the attention to materiality in public memory, this study expands on the relationship between the past and the present, exploring how the passage of time shapes representation of the past. However, unlike previous public memory studies, I center my textual boundaries around “when” – as opposed to “what” or “where.” By focusing on recurring representations of *Brown v. Board of Education* on its anniversary, May 17, I engage with the negotiated meanings in commemorative performances, which shift from present moment to present moment.

Public Memory and Identity

Remembering is an active, social process, but not everyone who participates in the commemoration of the past is privy to the syllogistic construction of the choices made in representations of the past. As time passes, the collapse of the past into the present results in what Phillips observes as the enthymematic nature of public remembrance. As Phillips explains, “we have come to expect” from public memory “those things which it cannot offer: accuracy, stability, and immutability.”¹⁰³ Because the act of remembering occurs differently (to borrow Phillips’ phrase) “in a seemingly endless series,” there are many points to ask: who are we remembering, how are we participating in acts of recollection and construction of the past, and for what purpose? Although often discussed as static, public memory is fluid and changes over time. Thus, we see that in addition to spatial dimensions of public memory, there are temporal ones. Both the communities involved in constructing memory texts and the

¹⁰³ Phillips, “The Failure of Memory,” 217.

spaces/places where remembering occurs have been explored frequently in public memory work. Less examined, though, is how the passage of time influences construction of the past in the present. Building upon the observations that 1) the “present” is crucial to understanding remembrances of the past and 2) any relationship between past and present is cyclical, this study will engage with time as a structural concept, where “anniversary” is a critical element of time for the study of public memory.

Adopting the approach of philosopher Eviatar Zerubavel, understanding time begins with investigating the processes that establish the relationship between two periods of time – in this case, the past and the present. As Zerubavel notes, time operates structurally, created and maintained by the very subjects it acts upon.¹⁰⁴ There are many ways to approach studying such a complex structure and its impact on the study of public memory. One particularly salient intersection of time and public memory occurs in this relationship between that past and the present at the point we name “anniversary.” As a point when a public deliberately pauses to mark the passage of time, an anniversary is bounded enough to prove feasible for scholarly inquiry, yet dynamic enough to illustrate the changing relationships between history and any given “present” moment.¹⁰⁵ For this reason, I define anniversary as *kairos* +

¹⁰⁴ Eviatar Zerubavel, *Time Maps: Collective Memory and the Social Shape of the Past* (Chicago: The University of Chicago Press, 2003), 3-4.

¹⁰⁵ Although often conceived of as annual, Zerubavel notes that in cultures such as Guatemala (260-day) or Indonesia (210-day) holidays recur at the “same time,” not what the typical Western/European culture would call the “same time.” Zerubavel, *Time Maps*, 47. Although in the case of this project, I do focus on the annual anniversary of *Brown v. Board of Education*, it is important to note that “anniversary”

chronos, or the opportune moment situated on a continuum-style timeline.

Philosopher John Edwin Smith describes this relationship like the process of aging wine: there is a particular length of time necessary for a wine to reach its “right time” and best quality.¹⁰⁶ Without appreciation for both conceptions of time, it would be easy to miss the relationship between the process and the resulting quality. An anniversary represents these concepts simultaneously. Unlike consuming a wine at its critical moment, an anniversary will return after the appropriate passage of time. Thus, anniversaries provide an opportunity to mark the *kairotic* again and again, deploying *chronos* to situate (or resituate) the moment.

When a public observes an anniversary, pausing to commemorate a version of the past, there are two critical moves that occur. First, the public must establish a connection. Sometimes this move is as simple as marking the same date (or time of day) such as wishing someone a happy birthday or an annual moment of silence to

is a constructed occurrence. Zerubavel offers a stark observation on this point: “There is absolutely nothing natural... about annual anniversaries.” Different cultures use different measures of time, some privilege the solar calendar while others acknowledge seasonal changes. For some, milestone anniversaries on the five and ten-year marks are important, while for others seven years may be noteworthy. In many cultures, however, the passage of time is constructed as significant and although the units may differ, anniversaries of some sort provide the opportunity to engage in epideictic discourses. By their very functions, anniversaries are epideictic, asking the public to reevaluate the existing relationship to the event, perhaps even redefining this connection. Zerubavel, *Time Maps*, 47.

¹⁰⁶ Philosopher John Edwin Smith articulates that although necessary, *chronos* proves an insufficient measure of appreciating time, while *kairos* is unable to address context. Using the process of aging wine as a metaphor, Smith juxtaposes the length of time (*chronos*) against the critical moment (*kairos*); see John E. Smith, “Time, Times, and the ‘Right Time’: ‘Chronos’ and ‘Kairos,’” *The Monist* 53, no. 1 (1969), 4.

honor victims of a tragedy.¹⁰⁷ This first move establishes what Zerubavel terms historical continuity.¹⁰⁸ The group marking the anniversary establishes ways to touch the past through the same time, and as Zerubavel explores, participating in the same rituals further solidifies this continued closeness between the past and present. For example, partaking in the same unleavened bread at Passover is an act of remembering for the Jewish people, pulling the past closer to the present by way of ritual repetition.

The second move, then, offers a bit of a paradox. Once a public has established the connection between the past and present, the next move must mark their separation. This is accomplished by marking the passage of time – or what Zerubavel terms historical discontinuity.¹⁰⁹ By naming the intervening years and drawing attention to changes and/or challenges, this second move works to create an interval between the original event and the present. In much the same way Bradford Vivian discusses historical distance in service of public forgetting, this second move commemorating an anniversary aims to add nuance to the relationship between the past and present. In some cases, this means simply drawing attention to the number of years that have passed (for instance, a wedding anniversary). In other cases, this means seeking to sever or redefine the originally established relationship. An example which illustrates this second move well can be found in the addition of “slave tours”

¹⁰⁷ Depending on the event, the same date can also be suspended in favor of the same time (such as a group that meets the first Monday of the month.)

¹⁰⁸ Zerubavel, *Time Maps*, 2.

¹⁰⁹ Zerubavel, *Time Maps*, 2.

at sites of historical significance. Although some have been executed more thoughtfully than others, the move to offer visitors a chance to engage with a diversity of stories at a colonial site or presidential mansion suggests an intentional move to reshape and redefine legacies in these places.¹¹⁰ Together, these two moves enact the paradoxical distancing of the “same” event.

Anniversaries represent a unique but recurring point in time, emphasizing the fluidity of public memory. By noting the *kairotic* moment in terms of *chronos*, anniversaries momentarily suspend the progression of time, asking an audience to bear witness to the past while highlighting the distance that time has created. Those participating in the act of remembering might be asked to recall the historical event, to draw upon the lessons of the intervening years, to imagine a new future, or to recommit themselves to a desired value. While neither of these terms are new to scholars of rhetoric, the specific examination of “anniversary” as a site for public memory has not yet been attended to in detail in public memory study. The rhetorical choice to commemorate an event on or close to its original date suggests that time matters as much as place and space do for memory work. As sites of commemoration,

¹¹⁰ In some cases, the result is racially insensitive and may ultimately defeat the purpose of adding a tour focused on enslaved populations to a site at all. More broadly, this move can be seen in how an organization refers to “slaves” and what changes they might have made to reflect the past, e.g. enslaved populations/communities versus “workers.” This example can be contrasted with Poirot and Watson’s article examining Charleston’s historic tours, in which they conclude that all agency has been stripped from African American populations in the city’s history; see Kristan Poirot and Shevaun E. Watson, “Memories of Freedom and White Resilience: Place, Tourism, and Urban Slavery,” *Rhetoric Society Quarterly* 45, no. 2 (2015): 91-116.

anniversaries provide exigency for re-remembering an historical event. When a society deliberately pauses to commemorate the past, that pause illustrates the dynamic reality of public memory: the present is always changing through recontextualization of the past.

To better understand these such constructions at anniversaries, this study also employs the framework of critical regionalism, which as Douglas Powell defines it, explores “affinities, identities, and associations” that construct both a place and its relation to the “broader configurations of history, politics, and culture.”¹¹¹ In other words, region “is not a thing in itself, a stable bounded object of study.”¹¹² Identity construction is also influenced by time, and this study is deeply invested in how the temporal dimension of public memory matters in anniversary commemorations. In the same way that examining location or space organizes a study of a memory place, time illuminates the evolving nationalization of *Brown v. Board of Education* commemorations. Efforts to remember *Brown v. Board of Education* on May 17 each year serve to establish continuity between the past and the present, naturalizing the concept of anniversary as a site of public memory, creating closeness despite the ever-lengthening passage of time. Deploying Zerubavel’s terms of historical dis/continuity helps to explain the move to establish closeness or distance by participation in (or lack thereof) symbolic repetition in efforts to remember.

¹¹¹ Douglas Reichert Powell, *Critical Regionalism: Connecting Politics and Culture in the American Landscape* (Chapel Hill: University of North Carolina Press, 2007), 18-19.

¹¹² Powell, 21.

Commemorations are also grounded in shared experience, and although anniversaries themselves are not commonly codified in brick or stone, commemorative events can mark the “same time” or place. This dissertation traces the evolution of *Brown v. Board of Education* in public memory by engaging with commemorations at anniversaries, from regional/local commemorations through efforts to nationalize (or resist nationalization) of the story in an official *lieux de memorie*, the *Brown v. Board of Education* National Historic Site and Museum.

The nationalization of memory has been studied, particularly in connection to September 11, 2001 memorials and commemorations of trauma, most notably in Bradford Vivian’s *Public Forgetting*. By way of context, however, it is important to note how the narrative of nationalization in the case of 9/11 unfolded. As Kendall Phillips explains in the introduction to his volume *Framing Public Memory*, an interdisciplinary conference on public memory was to be held at the end of September 2001 at Syracuse University. Scholars were forced to ask themselves if they could still hold the conference, how to travel, and how to respond to the overwhelming feeling of experiencing such a paradigm shifting event – causing some to even wholly refocus their work. “September 11,” Phillips writes, whether explicitly or not, “deeply affected” the work they were doing.¹¹³ Vivian’s *Public Forgetting* engages with the memorialization of September 11, 2001, which in only the span of a year, had been condensed into a national ceremony at the World Trade Center site in New York City, or what he characterizes as “the most important U.S. civic

¹¹³ Phillips, *Framing Public Memory*, 11-12.

commemorations in recent times.”¹¹⁴ Although attacks occurred in three different locations, lower Manhattan would become the “locus of national memory” and Ground Zero would come to occupy “the most symbolically representative national forum for the rites of public mourning and civic restoration.”¹¹⁵ Vivian’s exploration of the rhetorical choices that sanctified nostalgic American democratic values in this national ceremony suggests that, in addition to the epideictic considerations of the commemoration, this type of national display bridges the personal and universal. In this way, Vivian argues, locating memory of the event in one single, national spectacle illustrates the power of forgetting as “formative and transformative.”¹¹⁶

The concept of public forgetting adds to our understanding of how the details of the individual lawsuits and regional remembrances collapsed into a national, more monolithic story of *Brown v. Board of Education*. Vivian characterizes “forgetting” as the counterpart to memory, instead of its opposite.¹¹⁷ By theorizing forgetting “as a symbolic resource of public speech and action, productive for its flexibility in recollecting the past,” Vivian asserts the productive power of asking what is gained or lost in partiality – rather than focusing on the fear of being incomplete.¹¹⁸ Instead of the more historical fear of being forgotten as the drive to remember, forgetting as a

¹¹⁴ Bradford Vivian, *Public Forgetting: The Rhetorics and Politics of Beginning Again* (University Park: The Pennsylvania State University Press, 2010), 65.

¹¹⁵ Vivian, *Public Forgetting*, 65.

¹¹⁶ Vivian, *Public Forgetting*, 88.

¹¹⁷ Vivian, *Public Forgetting*, 3.

¹¹⁸ Vivian, *Public Forgetting*, 7.

counterpart to memory means that shifting representations of *Brown v. Board of Education* from the 25th and 50th anniversaries (and into present day) are not failures, they are expected, and anniversaries provide another touchstone to “construct, amend, and even revise altogether” dominant narratives of the past.¹¹⁹ This dissertation contributes to more nuanced understanding of *Brown v. Board of Education* and how the narrative of *Brown* has evolved to a singular national landmark of civil rights.

When the Past Becomes Present

The study of Civil Rights texts from a public memory perspective creates an opportunity to address how past wrongs can be addressed beyond legal remedies. *Brown v. Board of Education* presents a unique text in this regard because, as the Supreme Court decision that redefined equality in public education, the years since have demonstrated that *de facto* segregation still exists. Therefore, rhetorical scholars have an opportunity to seek new remedies and approaches for addressing continued inequities in public life. I argue that one such approach includes special attention to civil rights stories and collective remembrances through the lens of White’s idea of “justice as translation,” wherein the examination of a text will always yield a new text—a process I elaborate on below. Thus, study of public memory of *Brown v.*

¹¹⁹ Phrases like “Never Forget” accompanied by images of the World Trade Center or names and images on the AIDS Quilt are examples that demonstrate the fears of being forgotten. Even while acknowledging that collective memories are mediated and constructed, scholars have been slow to cast “forgetting” in a positive light. “Forgetting” is often characterized as “distortion, excision, or loss” even by those who study the construction and mediation of memory. Vivian, *Public Forgetting*, 5-6, 10.

Board of Education creates new ways to approach past injustice and offers hope for how contemporary policy may begin to address persistent (and resurgent attitudes about) segregation in public schools as well as other aspects of public life. By tracing ideas in the broader rhetorical culture in anniversary commemorations, this study deepens an understanding of the way that the legacy of civil rights memories influences contemporary discussions on racial justice.

White comes from a constitutive legal tradition that says the law is constructed via narrative choices, made by those with the power to shape the outcomes. From this perspective, the law is constituted in language, granted power by language, and remakes society via the performance of language.¹²⁰ This can happen at a variety of points in the life of the judicial system, from legislative hearings to Supreme Court decisions. One notable example comes from White's own discussion of *Dred Scott v. Sanford*, through which White explains that Scott has been stripped of his personhood by the end of Justice Roger Taney's decision. If Scott were not a person, he would not have been able to bring a suit in court; however, even as the language of Taney's decision returns his status to property not person, the contradictory position of standing, living, and breathing before the court presents a difficult paradox to rectify in legal language. As White notes, "the 'we' constituted in the community of discourse... of law and constitution, has already been defined as

¹²⁰ This perspective is reflected in the works such as Lewis H. LaRue, *Constitutional Law as Fiction: Narrative in the Rhetoric of Authority* (University Park: Pennsylvania State University Press, 1995), Peter Brooks and Paul Gerwitz, *Law's Stories*, White, *When Words Lose Their Meaning*, and White, *Justice as Translation*.

purely white.... Citizenship in the world created by this kind of talk is necessarily white...” and Dred Scott is not white, therefore as “both a social and legal matter” the result of Taney’s mythical constituted world cannot include Scott.¹²¹ When discussing the law and its technical language, it is easy to overlook that it was written by people – so too it is easy to forget the law of the land is settled by nine ordinary people. It is all the more important, then, that the study of civil rights stories be mindful of the power of language when constructing their legacies. This is what this project aims to engage with: how has the story of *Brown v. Board of Education* been redefined in those moments? Who participates in these changes and how is it reflective of the broader rhetorical culture?

In commemorations of *Brown v. Board of Education*, we can trace this in the move from regional/local commemorations at anniversaries closer to 1954 to an enshrined position in the national American story, marked by the 50th anniversary dedication of a National Park site commemorating the decision. Beyond the 50th, the pendulum of memory swings back, as the Topeka seeks to articulate a place for itself in relation to the national memory. For public memory of *Brown v. Board of Education* this means it is necessary to consider what we mean by “public” at both the regional and national levels.¹²² But it also means grappling with the

¹²¹ White, *Justice as Translation*, 129.

¹²² Edward S. Casey establishes the link between place and time in his discussion of the concentric roles of memory, where he chooses to distinguish public memory from social or collective memories; Edward S. Casey, “Public Memory in Place and Time,” in *Framing Public Memory*, ed. Kendall Phillips (Tuscaloosa: University of Alabama Press, 2004): 17-44.

incompleteness of any single memory text. While recognizing that no one collective memory could encapsulate all the dimensions of an historical event, the potential to read a single memory text polysemously is just as consequential for an understanding of how public memory functions overall.¹²³ Partiality illuminates another way in which time might change the emphasis or construction of the past.¹²⁴

Thus far, I have outlined how this dissertation approaches studying the public memory of the *Brown v. Board of Education* decision, tracing the evolution of remembrances at anniversaries from smaller scale, regional commemorations at the 25th anniversary, through the establishment of a National Parks site and museum at the 50th, to the continued maintenance of memory into 2018. To that end, I have set up a framework to examine how this move from regional remembrances to an official, national story works by condensing local details over time, tracing the rhetorical events that are anniversaries.

As I have explained in this chapter, a structural understanding of time explains that anniversaries are constructed events, imbued with meaning and treated as “natural.” While the passage of time creates distance, commemorative actions create closeness. When we commemorate an event, we adopt the paradoxical stance of

¹²³ Zelizer provides an example of competing interpretations from the Vietnam Veterans Memorial, a text which has been broadly studied by rhetoricians. She articulates the two interpretations as the commemoration of loss and erecting a monument to patriotism. The purpose of recollecting the Vietnam War motivates the memorialization work in both cases, but the purposes differ and therefore will redirect attention to certain elements over others. Zelizer, “Reading the Past Against the Grain,” 225.

¹²⁴ Zelizer, “Reading the Past Against the Grain,” 224.

acknowledging the inevitability of distance in our attempt to bring the past to bear on the present. While this dissertation does not seek to explain why anniversaries function as important moments for remembering, it does attempt to distinguish between the milestone anniversaries (specifically, the 25th and 50th) and other non-milestone anniversaries. To this end, each chapter examines texts pertaining to public memory of the *Brown v. Board of Education* decision at different anniversary moments.

Chapter Two focuses on the coordinated, regional proclamations delivered by members of the NAACP on the 25th anniversary of *Brown v. Board of Education*, in the midst of the busing crisis. On May 17, 1979, the NAACP directed its branches to deliver proclamations to local and state officials, signaling the importance of coming together to remember the *Brown* decision. By 1979, the organization was struggling with membership, funding, and a public falling out with the NAACP Legal Defense Fund (formerly a part of the main national organization) and the anniversary of *Brown* provided the exigency to reassess the relationship to the past. Working overtime in an attempt to restore the activist legacy of the NAACP, Hooks and his staff utilized the 25th anniversary of *Brown* to assert the role of the NAACP as a vanguard for equality in the African American community, entreating its membership to commemorate the decision with coordinated proclamation readings in cities across the country. The formal style of the proclamation provided structure for the NAACP to advance their agenda, without drawing negative attention in the wake of the 1960s' radical activism. Engaging with the textual and performative dimensions of the commemorative proclamations, this chapter argues that the NAACP employed the

anniversary to revitalize the organization's image and prepare for future fights on behalf of African American communities.

Chapter Three follows chronologically and interrogates how a regional commemoration is transformed into a national one. Focused on the dedication of the *Brown v. Board of Education* National Park Service site at the 50th anniversary of the decision, this chapter examines the museum planning, resulting exhibits and two-hour dedication ceremony held on May 17, 2004 as a symbolic effort to nationalize the memory of *Brown*. With the Civil Rights Era in the background, the opening of the *Brown v. Board of Education* museum in Topeka signaled a concerted effort on the part of the Brown Foundation (co-founded and headed by Cheryl Brown Henderson, sister of Linda Brown) to solidify the case's place in national memory. Housed in the former black Monroe Elementary School, the inclusion of the building indicates both a commitment to telling the stories of the struggle for equality and a desire to construct a *lieux de memoire*, or a national storehouse of memory. However, rather than engage primarily with the building for its legacy and physical location, this chapter engages the site through the temporal "same time" anniversary commemoration.

Chapter Four builds upon the previous two chapters, engaging with the commemorative events in Topeka, on the 64th anniversary of *Brown v. Board of Education*, May 17, 2018. Comparing the tropes of "monumental" anniversaries to non-monumental anniversaries, this chapter examines three anniversary commemorative events held in Topeka. As a participant observer of this commemoration, I employ a "participatory critical rhetoric," which Michael

Middleton, Aaron Hess, Danielle Endres, and Samantha Senda-Cook articulate as an array of “research practices” rhetorical critics “can use to investigate live(d), locally situated rhetoric in its immediate manifestation.”¹²⁵ In the case of a non-monumental anniversary, complexities of the text may be otherwise inaccessible. I conclude that these events articulate a counter-memory of *Brown*, whereby Topekans who gather to remember the case in 2018 assert a legacy apart from the national one solidified in 2004. I argue that the 64th anniversary in Topeka actively resist the dominant civil rights narrative of national memory, advancing a counter-memory of “calm integration” to construct a counter-region of Topeka as different than other places that fought for civil rights for African Americans.

Finally, Chapter Five concludes my study of commemorations of *Brown v. Board of Education*, taking stock of the changes over time about how the case was remembered. This chapter discusses how the concept of justice-as-translation – the attention to and study of memory of *Brown* – provides a new way to address past racial injustices and the persistence of *de facto* segregation in the contemporary United States. This chapter also discusses the opportunities and challenges of examining civil rights stories, focused on how such studies create a new kind of text, enacting White’s translation and potentially create possibilities for addressing persistent *de facto* segregation in 21st century American life.

¹²⁵ Michael Middleton, Aaron Hess, Danielle Endres, and Samantha Senda-Cook, *Participatory Critical Rhetoric: Theoretical and Methodological Foundations for Studying Rhetoric In Situ* (Lanham, Maryland: Lexington Books, 2015), xiv, xvi.

By increasing knowledge of the *Brown v. Board of Education* cases and legal strategy, discussing changes and condensed public memory practices over the last 60 years, and creating space to acknowledge past injustices and continued wrongs, this dissertation offers contributions to the fields of legal rhetoric, public memory, and the study of civil rights in U.S. American history. These moves are not only important for their academic contributions, but also for their potential to help further the current discourse about equality under the law for African Americans and address the disconnect between *Brown v. Board of Education* as the end of *de jure* segregation and the reality that 60 years later, most students attend highly segregated schools. The progression from regional commemorations to a national museum to a regional counter-memory illustrates that public memory of the decision has changed over time, and by engaging with different anniversaries, this dissertation explores the ways in which those regional and national considerations have influenced and been influenced by audiences and time. If White is correct and the “object of rhetoric is justice: the constitution of a social world,” my project works to remake the understanding of that world in a productive image.¹²⁶ Ultimately, this project enacts that which it aims to express: that re-telling civil rights stories can unlock new potential in addressing contemporary racial injustice.

¹²⁶ White, *When Words Lose Their Meaning*, xi.

Chapter 2: Coordinated Regionalism and Challenging the

“Unfulfilled Promise” in 1979

By May 17, 1979, twenty-five years after the *Brown v. Board of Education* decision was announced, the momentum of the Civil Rights Movement had begun to wane. Following a decade of mixed results, national debate raged over whether or not busing was an appropriate remedy for persistent segregation in school districts across the country. While *de jure* segregation had largely been dismantled, congressional debate continued on the best ways to alleviate less explicit forms of discrimination – without posing undue burden on *their own* constituents. Or, as Representative Shirley Chisolm (D-NY) put it to the *Washington Post*: “Where were your voices when black children in the South were getting up at 5 a.m. to be bused past their nearest neighborhood school?”¹ The busing debate had been shaped by a litany of Supreme Court cases, and in May of 1979 two additional cases from Ohio awaited decisions. Although most in Congress agreed some action was necessary, no consensus existed on how to address continued inequality. Instead of a swollen tide of celebration at the 25th anniversary, the *Brown* decision was marked by frustrated feelings towards gradual progress and the characterization of an unfulfilled promise. It was in this climate that the NAACP branches convened to commemorate the 25th anniversary of *Brown*.

¹ Mary Russell, “Busing Amendment Loses in House Vote,” *Washington Post*, July 25, 1979, A12.

As the modern struggle for civil rights began to take shape, 1979 proved to be a turning point for defining what activism would look like beyond the large movements of previous decades. In a world without the leadership of Martin Luther King, Jr., the resistance of Malcolm X, or the visual displays of black power by the Black Panthers, organizations like the NAACP struggled to articulate how to maintain momentum and build upon the victories achieved in *Brown*. Twenty-five years later schools across the country were still predominantly segregated. Thus, commemoration at the 25th anniversary of *Brown* centered on the question: If we aren't finished, where do we go from here?

Meanwhile, the NAACP and NAACP Legal Defense Fund (LDF) publicly feuded over which organization had the right to remember the *Brown* decision. Forced to split for tax purposes in 1958, the two organizations spent the early months of 1979 vying for influence over public memory of *Brown* and the agenda-setting power for African American communities across the nation. The LDF focused on commemorating the roles of great legal minds. The NAACP, under the direction of its recently commissioned Executive Director Benjamin L. Hooks, launched a campaign to garner more members, more fundraising dollars, and exercise more influence in localities nation-wide. Working overtime in an attempt to restore the activist legacy of the NAACP, Hooks and his staff utilized the 25th anniversary of *Brown* to assert the role of the NAACP as a vanguard for equality in the African American community, entreating its membership to commemorate the decision with coordinated proclamation readings in cities across the country.

The 25th anniversary of *Brown* marked a major milestone for the landmark Supreme Court decision, as various groups gathered to commemorate the silver anniversary. In California, there was a fundraising event held at the home of Muhammed Ali, as well as a dramatic musical interpretation of the case.² On a national stage, President Carter made brief remarks at the White House, a CBS Primetime Special aired in the summer of 1979, and Jesse Jackson and Operation PUSH organized a large gathering of District of Columbia area youth, complete with speeches and a voter registration drive.³ Focused on the legal community's contributions to *Brown*'s legacy, the LDF held a conference in D.C. and the National Bar Association (NBA) held a celebratory luncheon in California.⁴ In addition to holding their annual meeting in Columbia, South Carolina, the NAACP hosted a gala and dinner showcasing the achievement of racial progress even in the deep South.⁵ The breadth and variety of anniversary events signaled that *Brown* was important to various audiences, but the absence of a singular, national

² Jessie Mae Brown, "Your Social Chronicler," *LA Sentinel*, May 3, 1979; "Brown Decision 25 Years Later," *LA Sentinel*, May 10, 1979.

³ "DC Youth Told to Use Rights Gained," *The Washington Post*, May 18, 1979; "From NAACP Ranks, a Judge," *The New York Times*, May 18, 1979; "On Television," *Wall Street Journal*, August 31, 1979.

⁴ The National Bar Association is the predominantly black attorney's bar association, established in 1925. See "About Us," *National Bar Association*, <https://www.nationalbar.org>; "Brown Observance," (*New York*) *New Amsterdam News*, May 19, 1979; "Thurgood Marshall to Address NBA Council Meeting," *Atlanta Journal World*, March 29, 1979.

⁵ "NAACP Extends a Brotherly Arm to Thurmond," *The Washington Post*, May 16, 1979.

commemoration reveals how the 25th anniversary illuminated the early, mixed legacy of *Brown* and the rhetorical process of redefining the relationship between the past, the present, and the future.

Focused on the cornerstone of the NAACP's commemorative effort at the 25th anniversary of *Brown*, this chapter examines a proclamation that was delivered simultaneously in communities across the nation on May 17, 1979. Distributed by the national office to 1700 local NAACP branches nation-wide, the proclamation text was accompanied by instruction booklets and checklists, detailing step-by-step planning and execution for the commemorative event. In addition to the text of the proclamation itself, the performative dimensions of the genre enacted the promise of *Brown* while simultaneously highlighting continued inequality in the United States.

This chapter examines how the NAACP employed what I call “coordinated regionalism,” a term meant to reflect the coordinated legal regionalism of the NAACP's efforts in litigating *Brown*, as a rhetorical strategy to bolster their waning influence by coming together at the same time for the same reason. Proclamation is a long-standing rhetorical form that combines epideictic and deliberative discourse to mark an occasion or denote important change. As a genre with prominent rhetorical analogues for the NAACP in 1979, this chapter also explores how these coordinated regional proclamations functioned constitutively to shape the legacy of *Brown*, while providing the NAACP an opportunity to leverage the 25th anniversary to set the agenda for future advancement of communities of color and to ensure protection of their rights.

First, I will explain the political climate of the busing debate in 1979, before discussing the parameters of coordinated regionalism and the rhetorical contributions of proclamations, exploring two commemorative events that function as rhetorical analogues for the NAACP's commemoration of *Brown*: the U.S. Bicentennial Celebration and Emancipation Day/Juneteenth Celebrations. Next, I will analyze the text of the proclamation itself, before turning attention to the performative dimensions of the form and how its aspects strengthened the NAACP's position as a vanguard for equal rights. Finally, this chapter discusses the proclamations as a form that satisfies dual audiences, as well as the commemoration's specific implications for the NAACP's future plans.

New Site of Resistance: Busing

Twenty-five years after the declaration that "separate could never be equal," many students still attended predominantly segregated schools. However, by 1979 the primary focus of the debate over integration concerned how, when, where, and for what reason a student could be bused from one school to another. While some in Congress sought to limit or even ban busing as a desegregation strategy, the NAACP argued that it was the best available option. The intractability of this national debate was further hampered by additional, but narrow court rulings on a case by case basis, rather than decisions that addressed the broader legal merits of busing as a desegregation strategy. As a result, Congressional leaders often begged the question

of how northern cities could be expected to solve a southern problem. In fact, though, *de facto* segregation was a persistent problem regardless of geographical location.⁶

School districts across the country experienced significant public battles over desegregation and busing in the 1960s and 1970s. While some cities experienced violent encounters, such as an explosion in a Denver bus-yard and rioting in Boston, other cities like Charlotte and Seattle, initially leaned into busing as a solution.⁷ As political adviser Ted Van Dyk wrote in 2015, “From the mid-1970s onward, there

⁶ A Health, Education, and Welfare (HEW) study published in 1972 concluded that the South had fewer black students in all black schools than other regions of the country, noting that non-southern schools showed very little change from 1968 to 1971. As Kenneth Clark noted in 1969: “In the fifteen years since 1954, relative change has been unquestionably greater in the South than in the North. In fact, the South can look at the North with a certain ironic condescension in terms of the acceptance of rapid change toward a non-racial society. The North, for its part, did not think the Brown decision applied to them....Now it became clear that racism was also virulent in the North, all the more insidious for its long non-recognition...And when the North discovered its racism, it tended to provide justification for it and to react defensively—white backlash—rather than engage in a struggle for social transformation.” Kenneth Clark as quoted in, Mary Costello, “School Busing and Politics,” *Editorial Research Reports* 1 (1972), <http://library.cqpress.com/cqresearcher/cqresrre1972030100>.

⁷ For descriptions of these events, see Bruce Gellerman, “‘It Was Like A War Zone’: Busing In Boston,” *WBUR.com*, September 5, 2014, <https://www.wbur.org/news/2014/09/05/boston-busing-anniversary>; Keith Poston, “When School Desegregation Mattered in Charlotte,” *Charlotte Observer*, October 21, 2018, <https://www.charlotteobserver.com/opinion/op-ed/article220315580.html>; Natasha Gardner, “The Legacy of Denver’s Forced School Busing Era,” *5280*, June 2018, <https://www.5280.com/2018/05/the-legacy-of-denvers-forced-school-busing-era>; Sean Riley, “How Seattle Gave Up on Busing and Allowed Its Public Schools to Become Alarming Resegregated,” *The Stranger*, April 13, 2016, <https://www.thestranger.com/features/2016/04/13/23945368/how-seattle-gave-up-on-busing-and-allowed-its-public-schools-to-become-alarmingly-resegregated>; See also, “The Legacy of School Busing,” *NPR.com*, April 30, 2004, <https://www.npr.org/templates/story/story.php?storyId=1853532>.

was a growing consensus within the [Democratic] party that neither civil rights nor education were being served by busing.”⁸ As Congressional leaders struggled to respond to their unhappy constituents on both sides of the issue, the 25th anniversary of *Brown* occurred in a political climate absent any consensus capable of addressing the lingering issue of segregation.

A year after the sweeping mandate in *Brown*, the Supreme Court issued the *Brown v. Board of Education of Topeka* (1955) decision, commonly referred to as *Brown II*, concluding that integration should continue “with all deliberate speed.”⁹ By the end of the next decade, the Court had weighed in on two more cases. *Cooper v. Aaron* (1958) held that “delaying” integration plans was unconstitutional, while *Griffin v. School Board of Prince Edward County* (1964) decided that closing public schools denied students an education on the basis of race, and therefore violated the 14th amendment. By May 1979, the Supreme Court had ruled on eight more cases concerning school desegregation, with an additional two decisions pending.¹⁰ This second decade of litigation included notable cases such as *Green v. County School Board* (1968) that determined “freedom-of-choice” plans were insufficient for

⁸ Ted Van Dyk, “School Busing Didn’t Work. And to Say So Isn’t Racist,” *Politico*, August 6, 2015, <https://www.politico.com/magazine/story/2015/08/school-busing-civil-rights-121077>.

⁹ *Brown v. Board of Education of Topeka* 349 U.S. 294 (1955)

¹⁰ These cases are identified by the American Bar Association (ABA) as crucial desegregation cases; see Bernice J. Donald, “Timeline of Supreme Court School-Desegregation Cases from Brown to Fisher,” Paper presented at the ABA Annual Meeting, San Francisco, August 2013, https://www.americanbar.org/content/dam/aba/administrative/litigation/materials/aba-annual-2013/written_materials/20_lessons_in_leadership.authcheckdam.pdf.

achieving effective integration and *Swann v. Charlotte-Mecklenburg* (1971) granting district courts the authority to require and oversee busing to integrate neighborhood schools.¹¹

Until the mid-1970s the Supreme Court had generally ruled, according to the strict scrutiny standard, that integration provided enough of a compelling governmental interest to warrant large-scale remedial actions. Representing a key departure in this legal philosophy, *Milliken v. Bradley* (1977) delineated a difference between *de jure* and *de facto* segregation, concluding that if a jurisdiction legally segregated, remedial actions (such as busing) were acceptable. However, *Milliken* also contended that busing across metropolitan lines was not necessary in a school district, such as in metropolitan Detroit, where no official segregation existed. By determining that *de facto* segregation did not require remediation, the Supreme Court effectively ignored white flight patterns, redlining practices, and other methods of public discrimination. The results in *Milliken* meant white parents in the suburbs did not have to abide busing their children into urban Detroit in the name of achieving “unitary status.” The following year, *Regents v. Bakke* (1979) held that race could be considered as *one of, but not the only*, admission factor in higher education. These two decisions quickly turned the tide of acceptable desegregation plans and set the

¹¹ *Keyes v. School District No. 1, Denver, Colorado* (1973) is also a significant case in this era, but the issue in *Keyes* centers on discrimination against Hispanics, and so I have left it out of the two cases which primarily dealt with bussing as a solution to racial discrimination, not cases that define what qualifies as racial discrimination.

stage for continued friction over busing, school-choice, and *de facto* segregation for decades to come.

By the 25th anniversary of *Brown*, two cases from Ohio were expected to tip the scales one way or the other.¹² After two decades of court battles and no clear resolution, Congressional focus settled on the effectiveness of busing, further eroding the potential for African American gains in other areas like employment and housing discrimination. The congressional challenge became addressing busing concerns created by *Swann* and *Milliken*, without overstepping constitutional boundaries.

During the 1970s, there were three prominent attempts to ban busing that are critical context to understanding the NAACP's commemorative strategy in 1979. The first attempt came from a partnership between the executive branch and the legislative branch, working to curtail busing together. According to the *CQ Almanac*, President Nixon expressed support for desegregation efforts, as long as funding for busing was not among them.¹³ In response to a proposed federal funding freeze, the NAACP warned they would be "in court before the ink" dried to challenge the "immoral and

¹² These two cases are *Dayton Board of Ed. v. Brinkman* (1979) and *Columbus Board of Ed. v. Penick* (1979).

¹³ Nixon supported a plan that would have authorized \$1.5 billion, so long as no funds went to busing. See Eric Wentworth and William Chapman, "Nixon Vows 'Remedy' for Busing Issue," *The Washington Post*, February 15, 1979, A1; For more background and statement text see "Presidential Statement to Congress: Nixon Requests Funds for School Desegregation," *CQ Almanac* 26 (1970), <http://library.cqpress.com/cqalmanac/cqal70-1290809>; "President's Two Anti-Busing Measures Shelved," *CQ Almanac* 28 (1972), <http://library.cqpress.com/cqalmanac/cqal72-1251613>.

unconstitutional attempt against the rights of black children.”¹⁴ But by 1972, there had been more than 50 resolutions introduced and debated in House subcommittees to limit court-ordered busing.¹⁵ Some lawmakers feared the Supreme Court might declare *any* legislative action against busing in violation of the 14th amendment, leading instead to concerted attempts to pass an anti-busing Constitutional amendment, however, most of these proposals saw no debate or vote outside of committee.¹⁶

By 1976 the executive branch, now led by President Gerald Ford, continued to work *with* Congress to curb busing: “It is this overextension of court control that has transformed a simple judicial tool, busing, into a cause of widespread controversy and slowed our progress toward the elimination of segregation.”¹⁷ Like Nixon before him,

¹⁴ Eric Wentworth, “NAACP Decries Nixon Bus Freeze,” *The Washington Post*, March 29, 1979.

¹⁵ The *CQ Almanac* identifies the early legislative front-runner as constitutional amendment proposal HJ620, sponsored by Rep. Norman F. Lent (R-NY), which stated no student could be “assigned” to a school on the basis of race. This language mirrored the anti-discrimination language that had become hallmark of expanding rights, but instead, took aim at affirmative race policies like busing. *CQ Almanac* notes that Lent’s proposal made it out of committee for a full vote, a rare step, but no vote was ever held. “Busing Constitutional Amendment,” *CQ Almanac* 28 (1972), <http://library.cqpress.com/cqalmanac/cqal72-1251640>.

¹⁶ Examples include the Teague-Milford petition resolution circulated to force a vote, as well as separate proposals by Representative William V. Roth, Jr. (R-DE), Dewey F. Bartlett (R-OK), John G. Tower (R-TX), and William Lloyd Scott (R-VA). However, since it takes a 2/3 affirmative vote in Congress to begin the constitutional amendment process, no votes were held because no proposal could garner the necessary number of votes. See “Busing Constitutional Amendment.”

¹⁷ Gerald R. Ford, “Special Message to the Congress Transmitting Proposed School Busing Legislation,” June 24, 1976, Online by Gerhard Peters and John T. Woolley, The American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=6150>.

Ford articulated the position that Congress *did* have the authority to legislate for the nation's schools but expressed concern that any further action might frustrate the intended goal of equal opportunity for all students. Following the failures of proposals in the early 1970s, Congress had used appropriations powers to restrict the Department of Health, Education, and Welfare (HEW) from enacting busing plans.¹⁸ After 1975, busing only continued where district courts had exercised oversight, where Congress could not intervene. While campaigning for the presidency, Jimmy Carter had expressed support for the so-called "Atlanta Plan," which allowed voluntary busing to achieve racial balance but did not compel any student to participate.¹⁹ Upon assuming the presidency in 1977, however, Carter was confronted with the realities of upholding the law. His Attorney General, Griffin Bell, advised him to accept and promote the *Milliken* caveat of busing as a "last resort."²⁰ The Carter Administration's adopted interpretation prompted legislators to act, this time separate from the White House.

The second strategy to limit busing was notable for its genesis in Delaware, the site of one of the original *Brown* cases, *Gebhart v. Belton*. Senators William V. Roth Jr. (R-DE) and Joseph R. Biden (D-DE) put forth a bill that would have

¹⁸ "Busing Limits," In *CQ Almanac* 1977, 33rd ed., 510-11 (Washington, DC: Congressional Quarterly, 1978), <http://library.cqpress.com/cqalmanac/cqal77-1203394>; David E. Rosenblum, "New Carter Policy May Require Busing To Get School Funds," *The New York Times*, June 7, 1977, 1.

¹⁹ Lawrence J. McAndrews, *The Era of Education: The Presidents and the Schools, 1965-2001* (Urbana: University of Illinois Press, 2006), 81.

²⁰ McAndrews, *The Era of Education*, 82.

eliminated the ability of federal courts to authorize busing plans in areas where *de facto* segregation was the primary issue. Although the bill made it out of committee, no further action was taken in the Senate citing a fear of emboldening opponents of integration.²¹ Instead, Congress again settled for the power of the purse, passing the Eagleton-Biden Amendment to limit monetary resources available to enforce desegregation policies.²²

Central to these efforts was the freshman Senator Joe Biden who expressed reservations about busing as a solution on the Senate floor shortly after he was elected: “I have become convinced that busing is a bankrupt concept that, in fact, does not bear any of the fruit for which it was designed.”²³ As historian Brett Gadsden describes it, Biden articulated busing as a “red herring” insisting that the Senate should be focused on providing equal opportunity for all Americans via housing, employment, and voting rights, not arguing over busing.²⁴ The Eagleton-Biden Amendment prevented HEW from remedying discrimination through busing,

²¹ “Busing Limits,” In *CQ Almanac* 1977, 33rd ed. (Washington, DC: Congressional Quarterly, 1978), 510-11, <http://library.cqpress.com/cqalmanac/cqal77-1203394>.

²² Notably, “not one Southern voice was raised today in favor of the antibusing amendment.” David E. Rosenbaum, “House Votes to Balk Carter Busing Policy,” *The New York Times*, June 17, 1977, <https://www.nytimes.com/1977/06/17/archives/new-jersey-pages-house-votes-to-balk-carter-busing-policy-would.html>; See also Rich Spencer, “Busing Ban a Target of Northern Senators,” *The Washington Post*, September 20, 1975, A2.

²³ As quoted in Brett Gadsden, *Between North and South: Delaware, Desegregation, and the Myth of American Sectionalism* (Philadelphia: University of Pennsylvania Press, 2012), 221-2.

²⁴ Gadsden, *Between North and South*, 222.

but in effect it eliminated the ability to pursue cases of discrimination without referring it to the Department of Justice. As Stephen Halpern describes it: “The Eagleton-Biden Amendment was a death knell for Title VI [of the Civil Rights Act of 1964] because it eliminated the enforcement mechanism that made Title VI effective: the termination of funds after administrative proceedings.”²⁵ President Carter signed the bill containing the Eagleton-Biden Amendment into law in December 1977.²⁶ The NAACP swiftly denounced Senators Eagleton and Biden, saying their amendment was “an extremely regressive measure” for African Americans, akin to the removal of Reconstruction Era protections.²⁷

Litigating cases across the country one by one had resulted in a disjointed process, whereby cities like Boston and Dallas were subject to court-supervised busing orders while Detroit (at issue in *Milliken II*) had eliminated all official vestiges of segregation and, therefore, was freed from court oversight.²⁸ Critics, including the NAACP, argued that the dual-system that existed in American life, in housing, lending, and employment practices, all contributed to the creation of segregated

²⁵ Stephen C. Halpern, *On the Limits of the Law: The Ironic Legacy of Title VI of the 1964 Civil Rights Act* (Baltimore: John Hopkins University Press, 1995), 155; for the text of statute Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000D ET SEQ. <https://www.justice.gov/crt/fcs/TitleVI-Overview>.

²⁶ For more on this relationship between HEW and the DOJ, see Halpern, *On the Limits of the Law*, 157-160.

²⁷ Curtis Wilkie, “NAACP Finds Promised Land is Bittersweet,” *Boston Globe*, June 30, 1977.

²⁸ In *Milliken II*, the Supreme Court held that there was no “inter-district violation calling for an inter-district remedy,” ignoring patterns of white flight.” *Milliken v. Bradley*, 433 U.S. 267 (1977).

neighborhoods and eliminated the possibility of integration without busing. Progress in the realm of integration was seemingly halted. Momentum from the victories of past decades had waned and Americans were beginning to confront the ugly truth that racism was, in fact, not relegated to the South.

The third and most extreme effort to ban busing came from (repeated) proposals for a constitutional amendment from Representative Robert Mottl of Ohio. The most prominent of these attempts to pass the Mottl Amendment was H.J. Res 74, brought to the House floor using a discharge petition. It was voted down on July 24, 1979.²⁹ From its conception, however, it drew sharp condemnation from civil rights groups. During the keynote address at the annual NAACP conference in Louisville, Kentucky, Executive Director Hooks said, “We shall let them know that it will be a dark and infamous day in America’s history if the Congress of these United States of America pass this vicious and dirty amendment and graft it upon the organic law of

²⁹ The discharge petition is a rarely used procedural opportunity to force a floor vote on a measure by obtaining 218 signatures. From 1967-2002, there were 12 discharge petitions brought to the floor of the House, six of which were proposed constitutional amendments. Proposals for busing amendments bookended the 1970s: one in 1971 that did not obtain enough signatures and one the Mottl Amendment, in 1979 that was brought to the floor and considered under a one-hour rule, where it was defeated by a vote of 209-216. *A joint resolution proposing an amendment to the Constitution of the United States to prohibit compelling the attendance of a student in a public school other than the public school nearest the residence of such student*, HJ Res 74, 96th Cong., (July 24, 1979), <https://www.congress.gov/bill/96th-congress/house-joint-resolution/74>; See also Richard S. Beth, “The Discharge Rule in the House: Recent Use in Historical Context,” *Congressional Research Service*, April 17, 2003, https://www.everycrsreport.com/files/20030417_97-856GOV_3885a71978a83cada649980d602827d2c0d4a326.pdf

this nation.”³⁰ Criticism of the Mottl Amendment ranged from concerns over the serious nature of amending the Constitution to the reality of rolling back the impacts of *Brown*.³¹ Both the NAACP and the U.S. Commission on Civil Rights expressed their reservations to President Carter’s administration, emphasizing that any effort to curb busing would violate the *Brown* decision and, therefore, the Fourteenth amendment. Eventually the Carter administration shifted policy to oppose any further attempts to water-down busing.³² When later confronted with the Helms-Collins amendment in 1980, Carter returned bill HR 7584 unsigned with a statement citing its flaw as an “unprecedented prohibition on the power of the President of the United States and the Attorney General to seek a particular remedy in the Federal courts that in some cases may be necessary to ensure that our Constitution and laws are executed faithfully.”³³

³⁰ “Keynote Address,” Louisville, KY, June 29, 1979 reprinted in *The Crisis*, Benjamin L. Hooks, “Jubilee Day,” *The Crisis*, October 1979, 345.

³¹ “Ending Busing Could Bring ‘Apartheid’ To America, Jackson Warns,” *Jet*, August 2, 1979, 8-9; Russell, “Busing Amendment Loses in House Vote.”

³² Halpern, *On The Limits of Law*, 156.

³³ Jimmy Carter, “Message to the House of Representatives Returning H.R. 7584 Without Approval,” December 13, 1980, Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*, <https://www.presidency.ucsb.edu/node/250598>; The Helms-Collins amendment was attached to the appropriations bill for the Departments of Justice, State, and Commerce by Senators Jesse Helms (NC) and James Collins (TX) to limit the Dept. of Justice’s available funds for actions on busing. After the Helms-Collins Amendment was removed by the Senate, President Carter signed the appropriations bill into law; McAndrews, *The Era of Education*, 85-6.

Whereas the *Brown* decision had consolidated five cases to definitively address a constitutional issue, the line-up of school desegregation challenges post-*Brown* amounted to a piece-meal solution. *Was there evidence of segregation? If so, was it deliberate? If deliberate, what remedy proved appropriate?* Judicial oversight of integration plans meant that any attempt to impose a national solution could tip the balance of power in Washington. Meanwhile, a reported 81% of the public opposed busing, creating a tense climate where no group was satisfied with the situation in 1979.³⁴ Yet the promises of *Brown* stood unfulfilled, and the NAACP set out to do something about it.

Changes at the NAACP

After assuming his position as Executive Director of the NAACP in 1977, Benjamin L. Hooks spent his early tenure working to restore the organization's credibility as the leading voice in the African American community. Hooks was under immense pressure to fill the "void in the leadership of black America."³⁵ As the methodical, legal approach to finding solutions in the courts "fell out of favor," many African Americans began to view the NAACP as "hopelessly old fashioned."³⁶ Despite its internal struggles, the NAACP was still the nation's largest civil rights organization and as Executive Director, Hooks sought to use his office to influence

³⁴ Russell, "Busing Amendment Loses in House Vote."

³⁵ Paul Delaney, "The Struggle to Rally Black America," *The New York Times*, July 15, 1979, SM5.

³⁶ Delaney, "The Struggle to Rally Black America."

the political landscape and agitate for change. In addition to weekly columns published in *The Crisis*, which were also widely syndicated in the black press, Hooks launched a three-pronged fundraising campaign to increase membership numbers and monetary support.³⁷ “We must build our strengths to the point where when we call for action, action will happen,” Hooks told *The New York Times*.³⁸ To increase visibility of the organization at the 25th anniversary of *Brown*, Hooks directed local and regional NAACP branches to deliver proclamations on May 17, at the same time, in different places across the country.

By staging a commemorative event with a performative dimension, Hooks set the NAACP apart from the LDF awards dinners and academic forums also held on the 25th anniversary of *Brown*. Hooks sought to involve NAACP members as active and influential participants, shifting the emphasis of the commemoration to focus on the future, not the past. Hooks’ “new direction” approach at the NAACP was “to consolidate civil rights gains, involve more people, become more action-oriented, and attack old problems with new vitality.”³⁹ In contrast to the LDF, whose events were primarily centered on past victories and heroic individuals, the NAACP’s proclamation readings advanced a vision of a healthy, vibrant organization, capable of rising to meet the *next* challenges awaiting the African American community.

³⁷ Thomas A. Johnson, “Hooks Attempting to Renew N.A.A.C.P.,” *The New York Times*, September 9, 1979, <https://www.nytimes.com/1979/09/09/archives/hooks-attempting-to-renew-naacp-nations-oldest-civil-rights-group.html>.

³⁸ Johnson, “Hooks Attempting to Renew N.A.A.C.P.”

³⁹ Lynn Norment, “New Life for an Old Fight,” *Ebony*, November 1978, 79.

From its founding in 1909 under the leadership of WEB DuBois, the NAACP has adeptly planned, executed, and leveraged media coverage to disseminate messages to the public. Public Relations scholar Dulcie M. Straughan asserts that “from the beginning, public relations was a vital element” of the top-down organization, that included a Bureau of Information of which W.E.B. DuBois was named the first Director of Publicity and Research and *The Crisis*, the organization’s newspaper.⁴⁰ By the 1960s, however, the NAACP’s dominance advocating for African Americans was challenged by new organizations forming to fight for civil rights. Counter to the leader-centric emphasis of the Civil Rights Movement, the NAACP stressed the collective aspects of their organization that required active participants in all communities to achieve their goals.⁴¹

Hooks’ efforts to revitalize the cultural influence of the NAACP followed earlier efforts in the 1960s to ensure the organization’s public status when they had hired an outside public relations firm to consult on their public image and resolved to go on the offensive. For example, their 1960 annual report noted that due to the increase in media attention accompanying the sit-in movement, mass media outlets were “coming to the NAACP ‘as a major resource agency for data and advice on

⁴⁰ Dulcie M. Straughan, “Lift Every Voice and Sing: The Public Relations Efforts of the NAACP, 1960 -1965,” *Public Relations Review* 30, no. 1 (2004), 50.

⁴¹ Straughan, “Lift Every Voice and Sing,” 50; see also a foundational work in public relations scholarship in the realm of civil rights, Linda Childers Hon, “To Redeem the Soul of America: Public Relations and the Civil Rights Movement,” *Journal of Public Relations Research* 9(1997): 163-212.

what Negro America wants.’”⁴² Although privately concerned about shifting the fight from the courtrooms to the marketplace, the NAACP publicly supported any movement towards equal rights, usually footnoting their historic record of fighting for equality. Concluding that NAACP members were already heavily involved in civil rights causes in their communities, they diagnosed the problem as a lack of public credit – that no one was *identifying* themselves as a member of the NAACP to the press. To combat this problem, branches across the country were instructed to prepare written statements for media outlets and all major inquiries were directed to the Director of Public Relations, Henry Moon.⁴³

Although the long-standing structure and influence of the NAACP acted as a counter-weight to more radical activism in the 1960s, their methodological messaging strategies such as “writing and distributing news releases, making direct contact with reporters, organizing news conferences and demonstrations, [and] publishing local branch newsletters” relented to pressures to seek more rapid political and social changes.⁴⁴ Consequently, in 1965 the NAACP updated their platform to position the organization as “responsible and militant.”⁴⁵ As Straughan concludes, the addition of “responsibility” and “militancy” demonstrated their attempt “to appeal to younger

⁴² National Association for the Advancement of Colored People, “1960 Annual Report,” as quoted in Straughan, “Lift Every Voice and Sing,” 51.

⁴³ Straughan, “Lift Every Voice and Sing,” 53.

⁴⁴ Straughan, “Lift Every Voice and Sing,” 55-6.

⁴⁵ NAACP, “1964 Annual Report,” as quoted in Straughan, “Lift Every Voice and Sing,” 58.

constituents,” while balancing the concerns of their more moderate members.⁴⁶ As Joshua Meyrowitz explains, the age of modern mass media required the ability to address multiple audiences at once, because to discuss any one audience in isolation would be a “fiction.”⁴⁷ Recognizing that what were once separate publics could now be understood as overlapping social spheres, organizations like the NAACP had to consider how to address audiences that might have been previously considered separately.⁴⁸

By 1979, the communications from Hooks’ office ahead of the 25th anniversary of *Brown* described dire circumstances for the NAACP: act now or we cease to exist. Following the stilted progress in civil rights after the mid-1960s, the NAACP had experienced division and deception at the top. Former Executive Director Roy Wilkins had, in his advanced age and failing health, “lost control of the organization” to a “powerful but faction-ridden board of directors.”⁴⁹ Although Hooks experienced early clashes with the board, his plans to revive the NAACP’s

⁴⁶ Straughan, “Lift Every Voice and Sing,” 58.

⁴⁷ Joshua Meyrowitz, *No Sense of Place: The Impact of Electronic Media on Social Behavior* (Oxford: Oxford University Press, 1986), 339.

⁴⁸ The concept of overlapping social spheres flows from a concept of the “media matrix,” advanced by Joshua Meyrowitz, which he defines as the interlocking network of all coexistent media. Although writing before much of the boom in internetworked media technologies, Meyrowitz’s examination of media’s ability to collapse once previously separate audiences proves a useful heuristic for understanding the address to audiences through dawning media technologies in 1979; See Meyrowitz, *No Sense of Place*, 69.

⁴⁹ Delaney, “The Struggle to Rally Black America.”

influence slowly began to control the organization's debt and navigate competing interests. As Hooks told the *New York Times*:

The N.A.A.C.P. is a patient organization. That's because we know our goals and we believe in what we are doing and where we're going. The reason I'm so far behind right now is because I'm called on to do too much. But we'll get it together. We'll find the mechanism to get the money again and get things rolling. That's my charge. I accept it.⁵⁰

Included in Hook's archival papers are memoranda that indicate his concern for the image of the NAACP as wounded and unable to lead. Using this concern as a battle cry, the NAACP began distributing materials to their members in April regarding plans for the *Brown* anniversary in May. In April, the national office began calling "on local units to present scrolls of proclamations to legislatures in every state."⁵¹

Positioning the NAACP as the gatekeeper of public memory of *Brown*, the materials distributed to the local branches asserted that "the *Brown* victory indisputably was masterminded by the NAACP under the leadership of its Special Counsel, Thurgood Marshall."⁵² Giving pseudo-marching orders in a memorandum to local officials,

⁵⁰ Delaney, "The Struggle to Rally Black America."

⁵¹ NAACP Newsletter, April 1979, Vol 2, no.6, April 1979, Box 122, Folder 19, Benjamin L. Hooks Papers, University of Memphis, Memphis, Tennessee.

⁵² NAACP Newsletter, April 1979, Hooks Papers.

Hooks writes, “Let us like a mighty army, step forward, all on one foot, at the same time, at the same command for the same people.”⁵³

NAACP and the Strategy of Coordinated Regionalism

Mirroring the coordinated regionalism of their prior legal strategy in *Brown v. Board of Education*, the anniversary proclamation brought together separate regions of the country to participate in the same commemorative action, employing the rhetorical equivalent of coordinated regionalism as a litigation strategy. Utilizing their local branch structure, the NAACP was able to deploy thousands of members to commemorate the decision, while still tightly managing institutional messaging. As a genre, proclamations often combine epideictic and deliberative rhetorical discourse. At the 25th anniversary of *Brown*, the NAACP’s proclamation was able to capitalize on the *kairotic* opportunity of an anniversary to redefine a relationship between the past, present, and future employing the rhetorical form to their advantage. At Hooks’ direction, NAACP members across the country enacted the physical, oral, and temporal dimensions characteristic of the delivery of a proclamation, signaling the influence and strength of the organization into the future.

The NAACP’s coordinated regional commemorative events had two rhetorical analogues, the 1976 U.S. bicentennial commemoration and Emancipation Day/Juneteenth celebrations among the black community. Much like these two

⁵³ “Co-Workers,” Memorandum, April 16, 1979, Box 122, Folder 19, Benjamin L. Hooks Papers, University of Memphis, Memphis, Tennessee (underline original).

commemorative events, Hooks' rhetorically coordinated regional proclamations enacted a strategy that manifested in community members and everyday citizens, eager for the American ideal of equality long promised to them. As an event that drew together different iterations of the same commemoration, the *Brown* proclamation readings, like the bicentennial and emancipation celebrations, demonstrated the cultural power of a connected regionalism – one that constituted legacy and identity through similar performances, rather than coming together in a single place.

As a rhetorical analogue for the 25th anniversary proclamation readings, the 1976 U.S. bi-centennial celebration would have been a recent, memorable, primarily regional commemorative event. The original plan of the American Revolution Bicentennial Commission (ARBC) was to host a large, nationally-focused exposition to celebrate the nation's 200th birthday.⁵⁴ According to public historian Tammy Gordon, not only did the ARBC suffer from poor leadership, its promotion of commercialism fostered a sense of disenchantment with a centralized commemoration.⁵⁵ Consequently, the ARBC was replaced by the American Revolution Bicentennial Administration (ARBA) in 1974 and was tasked with supporting smaller entities and communities in their respective commemorative events and projects. Suffering from a lack of trust post-Watergate, the federal

⁵⁴ Tammy S. Gordon, *The Spirit of 1976: Commerce, Community, and the Politics of Celebration* (Boston: University of Massachusetts Press, 2013), 35.

⁵⁵ Gordon, *The Spirit of 1976*, 44. Terms like “buy-centennial” and “sellabration” were used to characterize the commercialism that accompanied early planning and souvenir production for the 1976 commemoration. See also, Gordon, 9, 47.

government's role became to "help every American craft a bicentennial observance to suit" their own needs.⁵⁶

As Gordon posits, instead of adopting a nationalistic homogenic approach to the celebration, the resulting commemoration reflected "individuals with unique combinations of interests, looking for relevance in the birth of their country."⁵⁷ Communities across the country participated in improvement projects, oral histories and genealogy projects, and more diverse representations than would have been supported by a national event. The result of the bi-centennial was an increased diversity in representation in American memory. Employing the spirit of revolution that fostered an independent nation, Americans in communities across the country reconsidered their relationship to the past. As Gordon concludes, the expression of the diversity realized in American life by the 1970s meant that like "Americans before them, those of 1976 knew that sometimes a box of tea was more than a box of tea."⁵⁸ Viewed as more than just a "tool of the state," the spirit of revolutionary Americans was adopted into smaller-scale commemorations, highlighting the impact of an "individual" in the broader thrust of American public memory.⁵⁹

A second rhetorical analogue to the NAACP's proclamation readings at the *Brown* anniversary can be found in annual Emancipation Day and Juneteenth

⁵⁶ Gordon, *The Spirit of 1976*, 44.

⁵⁷ Gordon, *The Spirit of 1976*, 5.

⁵⁸ Gordon, *The Spirit of 1976*, 7.

⁵⁹ Gordon, *The Spirit of 1976*, 14.

celebrations. These celebrations are traditional in African American communities, and historically have been elevated above other national days, like the Fourth of July. Although dates differ depending on the region, Emancipation Day is typically celebrated in northern and eastern cities, especially the District of Columbia, in the spring, while Juneteenth (typically June 1) originated in Texas and has spread to other areas of the country.⁶⁰ Both celebration days mark the announcement of the Emancipation Proclamation freeing enslaved persons, but are held on different days because they were freed in different parts of the U.S. at different times. Specifically, Juneteenth comes from the date of June 19th, 1865 when Order No. 3 was read by the Union General in Galveston, freeing enslaved persons in Texas who were reportedly among the last to learn of their status as freed people and the end of the war.

As the primary scholar of these two celebrations, Williams H. Wiggins writes that although celebrations took a backseat in the post-World War II era, Texans in the 1970s recaptured “the zeal of their emancipated ancestors and initiate[d] a successful political lobbying campaign which culminated” in an official state holiday in 1979.⁶¹ Shennette Garrett-Scott, Rebecca Cummings Richardson, and Venita Dillard-Allen note, the “organizers of the 1968 Poor People’s March held the Solidarity Day rally on Juneteenth. Blacks attended from around the country, and, after they returned

⁶⁰ William H. Wiggins, *O Freedom!: Afro-American Emancipation Celebrations* (Knoxville: University of Tennessee Press, 1987), xvii-xviii.

⁶¹ William H. Higgins, “Juneteenth: A Red Spot Day on the Texas Calendar,” in ed. Francis Edward Abernathy, Patrick B. Mullen, and Alan B. Govenar, *Juneteenth Texas: Essays in African American Folklore* (Denton: University of North Texas, 1996), 237.

home, they revived or initiated Juneteenth celebrations in their hometowns around the country.”⁶² By the 1970s, with the cultural influence of Black Power community activism on full display, Juneteenth celebrations experienced a revival, heralding “black pride and cultural heritage. Houston was among the first Texas cities to rekindle large-scale celebrations, with a blues festival in 1973 at Hermann Park.”⁶³

As Janice Hume and Noah Arceneaux suggest, the reclamation of Juneteenth boasts an American and racial identity, folded into one another. A holiday like Juneteenth “stirs memories that, when repeated and amplified in the press, uncover lost or fading chapters in the American story.”⁶⁴ Juneteenth celebrates the power of proclamation as a rhetorical form in the black community. Highlighting the “gap between the promises of freedom and democracy and the realities of racism, discrimination, and segregation,” Juneteenth (and, by extension, other regional Emancipation) celebrations direct attention via their performative dimensions of commemoration.⁶⁵

Although there is no direct evidence in Hooks’ papers to suggest that these commemorations are a direct rhetorical antecedent for the NAACP’s proclamation commemorations at the 25th anniversary of *Brown*, they are useful analogues for

⁶² Shennette Garrett-Scott, Rebecca Cummings Richardson and Venita Dillard-Allen, “‘When Peace Come’: Teaching the Significance of Juneteenth,” *Black History Bulletin* 76, no. 2 (2013), 21.

⁶³ Garrett-Scott, Richardson, and Allen, “‘When Peace Come,’” 21.

⁶⁴ Janice Hume and Noah Arceneaux, “Public Memory, Cultural Legacy, and Press Coverage of the Juneteenth Revival,” *Journalism History* 34, no. 3 (2008), 161.

⁶⁵ Garrett-Scott, Richardson, and Allen, “‘When Peace Come,’” 21.

understanding how the coordinated regionalism of rhetorical culture was already operating in commemorative spheres. The late 1970s witnessed a profound tension between regionalism and nationalism, as Americans were less enthusiastic about the national consolidation of power and more interested in diversification of representation in American life. As Gordon writes, “new personal connections to history... [were] becoming more than a lesson in nationalistic pride; it was emerging as a tool for community organization and action.”⁶⁶ This approach to commemoration laid the groundwork for the NAACP’s proclamation commemoration as crucial to representation of African Americans in the past, present, and for the future.

Moreover, on the horizon of a proliferation of mass media technologies, there appeared to be a golden moment where regionalism and nationalism operated in tandem – where a rhetor or audience could remain focused on a smaller, regional context, but expect that the message could be easily, widely disseminated to a larger, national audience. Thus, the performance of regional proclamations by local branches could still make a large national splash for the NAACP and successfully position them to represent communities of color writ large, without convening together in a single event.

Proclaiming the Past, Proclaiming the Future

To commemorate the 25th anniversary of *Brown*, the NAACP turned to the possibility of future action. Having justified their authority to remember the *Brown v.*

⁶⁶ Gordon, *Spirit of 1976*, 45.

Board of Education decision as the gatekeeper of public memory, the NAACP utilized the opportunity of the anniversary to engage their members in a performative demonstration, deploying the past as a springboard for the future. Employing a strategy of coordinated regionalism, the organization directed a commemorative event that linked regions together through messaging but maintained focus on the communities nation-wide whose everyday lives still operated absent fulfillment of the promises made in *Brown*. Like the rhetorical analogues discussed above, the 25th anniversary of *Brown* featured commemorative events in a variety of cities and communities across the country. Contextual archival resources are limited, meaning that in many cases finding contextual information for the regional proclamation performances required major sleuthing. The NAACP's strategy of coordinated regionalism balanced a unified, national proclamation with assumed local variations in performance, born out in newspaper accounts and noted in some NAACP correspondence.⁶⁷

Proclamation as a rhetorical genre dates back to ancient Greece and Rome, though it has experienced a myriad of changes in form over time. Ancient Historian Peter Liddel explains that from the sixth century B.C forward, both democratic and

⁶⁷ I refer here to the dozen or so archival documents available that consist of reports to the national office from branches and the thank you notes sent by Hooks (or his secretary) to those branches. Due to limitations in archival documentation, I have no way of knowing if there were more or if only these were saved, but the accessible correspondence does indicate that these branches were proud of their participation – and in at least one case (the Texas State Conference) added a list of grievances and a regionally-focused letter to the proclamation; for these documents, see Box 122, Folder 19, Benjamin L. Hooks Papers, University of Memphis, Memphis, Tennessee.

non-democratic Greek societies enacted legislation by issuing decrees.⁶⁸ Liddel writes that such “decrees were often called *psêphismata* (literally ‘things balloted’), but were sometimes referred to by other terms such as *rhêtrai* (‘things spoken’), *dogmata* (‘things resolved’) or *gnômai* (‘proposals’).”⁶⁹ As practices shifted from predominantly oral to written societies, sometimes these decrees were inscribed in stone and made visible publicly.⁷⁰ Other historical iterations of proclamation include Roman edicts, which in Latin means to speak aloud, and the advance of evangelism, or proclaiming the “good news” of the gospel.⁷¹ The birth of Christianity happens in the depths of the Roman Empire, thus, we can conclude that the norms and traditional forms of communication of that society are what informed the available rhetorical resources for evangelism and Christian rhetoric.

Proclamations aim to call a particular world into being, often redefining the present or outlining future through their construction of the past. To interrogate how the NAACP’s proclamation functions constitutively, I first analyze the text itself, attending to the dynamics of formalism, the implications of time, and the rhetorical

⁶⁸ Although I will not explore it here, Liddel differentiates between political and religious entities, specifically outlining the Oracle of Delphi as an important religious consideration in Ancient Greece; see Peter Liddel, “The Decree Cultures of the Ancient Megarid,” *Classical Quarterly* 59, no. 2 (2009), 412.

⁶⁹ Liddel, “The Decree Cultures of the Ancient Megarid,” 412.

⁷⁰ Liddel, “The Decree Cultures of the Ancient Megarid,” 412.

⁷¹ Edicts were also presumably originally spoken but codified in writing by the later age of the empire. Dale Sullivan, “Kairos and the Rhetoric of Belief,” *Quarterly Journal of Speech* 78, no. 3 (1992), 317; see also Andrew M. Riggsby, *Roman Law and the Legal World of the Romans* (New York: Cambridge University Press, 2010), 27, 87-88.

elements of amplification that, combined, situate the NAACP's 25th anniversary proclamation as noteworthy and actionable discourse. Second, I engage the performative dimensions of the proclamation readings and the ways in which they complement the textual aspects, before finally exploring how these two aspects combine to position the NAACP as a vital cog in the mechanisms of (future) cultural influence, or what Peter Simonson conceives of as part of the process of rhetorical invention.

To execute their commemorative event in a range of communities across the country, the NAACP distributed proclamation texts and supporting materials to their branches and state conferences beginning in April 1979. The cornerstone of this project was a proclamation drafted by the national office, to be delivered by local branch members at their respective seats of government on May 17 at noon. Designed to look like a scroll, the proclamation was longer than a standard letter piece of paper and accompanied by the instructions "that one or two persons present the SCROLL-type proclamation to the city and state officials."⁷² Presented on tan paper, presumably to look aged, the text was italicized and printed over a watermark of the NAACP seal.⁷³ The formal language of the document itself, particularly when read aloud, amplifies the gravitas of the scroll-style proclamation:

⁷² "May 17 Observance," undated booklet, cover, Box 122, Folder 19, Benjamin L. Hooks Papers, University of Memphis, Memphis, Tennessee.

⁷³ "Proclamation," Box 122, Folder 19, Benjamin L. Hooks Papers, University of Memphis, Memphis, Tennessee.

Whereas, the United States Supreme Court in its historic 1954 decision in Brown v. Board of Education held that segregation in public schools is unconstitutional; and,

Whereas, it served as the catalyst for shifting of judicial sanctions from that of segregation to desegregation and the elimination of legal barriers to equal opportunities; and,

*Whereas, Brown formed the basis for enactment of the Civil Rights Act of 1964, 1965, and 1968, thereby providing greater assurance of equal opportunity in employment, equal access to public accommodations, housing and desegregated education...*⁷⁴

The document thus begins by enumerating the reasons they gather and lists the changes post-*Brown*, before continuing by detailing the challenges still faced by people of color:

Whereas, there continues to be opposition to desegregation at many levels of life and the momentum of the equality of opportunity in all aspects of life is decelerated; and,

*Whereas, despite the removal of the more overt legal barriers blacks are still faced with resistance to meaningful implementation of these civil rights laws by officials and individuals who publicly profess belief in the spirit and the letter of the law as pronounced in Brown...*⁷⁵

⁷⁴ “Proclamation,” Hooks Papers.

⁷⁵ “Proclamation,” Hooks Papers.

Finally, the proclamation text concludes by declaring the occasion and advocating for specific action:

Whereas, this is the 25th anniversary of Brown v. Board of Education,
We hereby proclaim May 17, 1979 as a day for all citizens to rededicate themselves to the ideals and principles of equality and justice particularly at a time when this nation should be attempting to transfer the noble pronouncement of Brown into realities,
*We further call upon all elected officials and citizens to exert active individual leadership in making equality a reality for all Americans. This leadership action should include an objective analysis of the existing quality of education in all communities, and specific steps, time tables and funding sources to implement effective public education which was clearly the foundation of the Brown decision.*⁷⁶

Consistent with the generic form of a proclamation, the document's formal qualities, temporal shifts, and rhetorical strategies of amplification combine to indict the present conditions and proffer future action. The form of the document draws on the repetition of phrases and lofty diction to meet the generic expectations of a proclamation, but instead of adhering strictly to epideictic constraints, the NAACP capitalizes on the opportunity of anniversary to redefine *Brown's* legacy. Sandwiching their frustration with "decelerated" progress between anaphoric usage of

⁷⁶ "Proclamation," Hooks Papers.

“whereas” to begin each clause and lengthy phrases that invoke a weighted sense of tradition, the formality of the proclamation softens the content that is critical of the status quo. The careful, logical language of the proclamation redirects the focus away from the emotional sin of segregation and African American citizens who have been denied their equal rights, and instead presents the “law” as the violated party. “This nation,” the proclamation asserts, “should be attempting to transfer the noble pronouncement of *Brown* into realities.”⁷⁷ Consequently, the NAACP presented a logical solution to their enumerated logical problems, constituting a perspective in which any auditor could remedy the situation by taking “individual leadership in making equality a reality for all Americans.” Specifically, this leadership would include “an objective analysis of existing quality of education,” connecting the remedy to the *Brown* decision directly.

Time also serves as a rhetorical resource for arrangement in the proclamation text. In the text reproduced above, I have inserted breaks at the three temporal shifts in the proclamation: from past, to present, to future. Notably, the proclamation begins by establishing a causal history focused on the achievements in combatting state-sponsored racism before shifting to highlight the ways in which these actions have fallen short. The first few lines of the proclamation invoke past-tense verbs, “held,” “served,” and “formed,” before shifting to include present-tense descriptions. In its closing lines, the verbs shift to infinitives and future action, “to rededicate,” “to exert.” By establishing *Brown*’s accomplishments in the first section of the

⁷⁷ “Proclamation,” Hooks Papers.

proclamation, the NAACP focused on the past, utilizing the anniversary of *Brown* to direct attention to the decision itself and the promise of desegregation in public life. Using that past as a foundation to discuss the present political and social climate, the proclamation deploys the past to diagnose the ills that continue, or the vices of the present. By concluding with clauses focused on the future and the actions available to the audience, the proclamation text offers tangible remedies to address persistent inequality in education. In this way, the text is arranged temporally to vault the argument towards action in the future.

The final dimension of the proclamation text analyzed in this section are the rhetorical elements of amplification that attempt to bring together *kairos* and *chronos* to construct a sense of urgency on the 25th anniversary of *Brown*. The configuration of the proclamation genre invokes traditional rhetorical forms, but specifically, the NAACP's anniversary proclamation deploys three elements, which together amplify the pressing nature of injustice. The proclamation text incorporates polysyndeton, linking each point of the argument with "and" to construct a long chain from victory to grievance to remedy. This type of repetition increases the sense of urgency throughout the text, building to the climax of the recommending quality "leadership" to "implement effective public education." Secondly, and from a wider angled approach, the proclamation text employs the rhetorical strategy of *enumeratio*, "counting out" the causes and effects involved in the legacy of *Brown*. The proclamation establishes "the catalyst," "the basis," the "opposition," and the "resistance," which have all coalesced to bring a continued point of inequality at the 25th anniversary. Thus, the document reads, the NAACP must "proclaim May 17,

1979 as a day for all citizens to rededicate themselves to the ideals and principles of equality and justice” in order to enumerate the goal of a future where the foundation of *Brown* translates into a reality of equality in education.

The third element, *copia*, is a stylistic figure that is marked by variations on the same idea and requires a more panoramic viewpoint of the proclamation as a whole. Thomas O. Sloane characterizes *copia* as marked by abundance.⁷⁸ Understanding the strategy of *copia* helps to shed light on the more formal, flowery language in the NAACP’s proclamation text. Particularly in comparison to the official memorandums circulated to the branches from Executive Director Hooks (which I expand on later in this chapter), the language of the proclamation features longer phrases and windier sentences than the other formal NAACP correspondence associated with the 25th anniversary. As Sloane notes, *copia* can be considered a form of invention – of “stoking the mind with variety” – a “trait” that is difficult to acquire because it is not as straight forward as a formula or application of patterns in language.⁷⁹ The proclamation text functions constitutively, naming the uneven progress that African American citizens had experienced since the announcement of *Brown* in 1954. The proclamation states that what was once viewed as “providing greater assurance” morphed into “opposition to desegregation at many levels of life,” and the prescription asserted by the NAACP for the future “call[s] upon all elected

⁷⁸ Thomas O. Sloane, *Encyclopedia of Rhetoric* (Oxford: Oxford University Press, 2001), 175-177.

⁷⁹ Thomas O. Sloane, *On the Contrary: The Protocol of Traditional Rhetoric* (Washington, D.C.: Catholic University of America Press, 1997), 56-7.

officials and citizens to exert active individual leadership in making equality a reality.”⁸⁰ The proclamation offers an expanded, well-reasoned list that centers the law. Together, these three rhetorical elements highlight the ways in which the proclamation text acts as a noteworthy, actionable, and urgent message on the 25th anniversary of the *Brown* decision.

Proclamation as Performance

In addition to its the textual dimensions, this NAACP proclamation involved presence, the act of reading it aloud, and coordinated timing. On May 17, at the behest of the NAACP’s Executive Director, members gathered at town halls and state capitols to deliver the distributed text, which proclaimed the 25th anniversary of *Brown* as a day to “rededicate” to the fulfillment of its promise to the citizens of the United States. In a series of memoranda leading up the commemorative event, Hooks communicated the importance of the anniversary to the local branches, explaining the logistics of commemorating the decision at the same time but in different places. Through these documents, he established a serious tone and seeks to convince members of their vital role in commemorating the *Brown* anniversary. Hooks’ curated archival papers offers insight into the steps it took to plan and execute such a coordinated performance in dozens of regions across the country. Although the performative dimensions of the NAACP’s proclamation readings are intertwined, for the sake of clarity, I will attempt to analyze physicality, orality, and temporality

⁸⁰ “Proclamation,” Hooks Papers.

separately, explicitly addressing where my argument must overlap. Although the rhetorical form of proclamation has embodied many forms in history, one of the hallmarks of the NAACP's commemorative proclamations was the coordinated plan to deliver the text in person and out loud on May 17 at noon. Execution of this plan required a body (or two) physically present to read the message aloud. In addition to physical and oral components, the NAACP's plan drew upon the temporal element to mark the anniversary at the same *kairotic* time. Hooks articulates the importance of each of these aspects in his prior communication with the branches, as he laid out the parameters of the event and outlined expectations of participation.

First, Hooks had to entreat members to be physically present at the commemorative event. In memos addressed to "co-workers," he signaled that members must adopt an active role in order to achieve a united force. To do so, Hooks established the anniversary as a crucial moment, elevating the moment of the 25th anniversary as a critical juncture, when a failure to adequately commemorate *Brown* would bring the NAACP to its knees. Hooks requested that **one** person in the branch be present to read a proclamation at City Hall or the State House on May 17. In a memo dated one month before the commemoration he writes, "I think we are alive and well," but if no one shows and the organization is defunct, "then we ought to know it [now]." ⁸¹

⁸¹ Memorandum to "Co-Workers," April 16, 1979, Box 122, Folder 19, Benjamin L. Hooks Papers, University of Memphis, Memphis, Tennessee.

Through a series of memos and metaphors, Hooks implored members across the country to attend the commemoration. Drawing upon a biblical metaphor of flesh and spirit, Hooks wrote: “If you LOVE the NAACP, and the spirit is willing – but the flesh is weak, have somebody [else] move this project forward.”⁸² This metaphor juxtaposes the desire to participate and support the NAACP with the ability (or perhaps the paralyzing fear and therefore lack of ability) to show up in person. Another metaphor Hooks utilized to describe the commemorative act of delivering the proclamation described American as standing at a “Civil Rights cross roads.”⁸³ Explaining the path before them Hooks explained, “the NAACP cannot live on past glories... the times demand that we get serious about the job of moving this nation forward.”⁸⁴ As a metaphor, the “cross roads” represents the choice to pursue Civil Rights progress; in other words the path he is asking each member to choose. Emphasizing the anniversary as the right time for action, he emphasizes that “the job of moving” forward cannot wait. With this metaphor, Hooks sets up his own foil: participation is the only way to launch the movement: a lack of participation results in a lack of progress. The metaphor of movement suggests, like the text of the proclamation would soon state, that opportunities for equality have “decelerated.”

As the most direct, internal call to action for members, I argue that the metaphors in Hooks’ memos acknowledge the fatigue of activism. For Hooks to ask

⁸² “Co-workers,” April 16, 1979, Hooks Papers.

⁸³ “Co-workers,” April 16, 1979, Hooks Papers.

⁸⁴ “Co-workers,” April 16, 1979, Hooks Papers.

NAACP members to engage in a performative commemoration, he must acknowledge the fatigue and frustration ever-present in the African American community. The metaphors of flesh/spirit and standing at the cross roads allow him to address the stall, or the mentality that might paralyze a member, keeping them from being physically present on May 17. By voicing reasons someone might not participate in the commemorative proclamation readings, Hooks seeks to mitigate the concerns of members who might be daunted by risk of physically delivering the proclamation or who might rather work quietly behind the scenes.

While these metaphors set the scene for engagement, Hooks also intensifies the need for physical presence by invoking the organization's historical standing. In the April 16 memo, he writes "turn out on May 17th to prove and demonstrate to the nation and ourselves" that the NAACP still matters and that the "glorious legacies of the past demand no less" than a public display of their "spirit and zeal."⁸⁵ He also indicated that local branch action would be supported by a "mammoth print and media campaign" (edited from "publicity release" in earlier draft) to ensure that the regional commemorations garnered media attention.⁸⁶ In an effort to raise the stakes on member participation, Hooks emphasized to members that "this project must not be allowed to flop."⁸⁷

⁸⁵ "Co-workers," April 16, 1979, Hooks Papers.

⁸⁶ "Co-workers," April 16, 1979, Hooks Papers.

⁸⁷ "Co-workers," April 16, 1979, Hooks Papers.

Drafted and distributed in April 1979, these memos from Hooks signal the delicate task of holding together a top-down organization, perceived to be less influential than in previous decades. He uses the materials distributed to the branches to create conditions for action, explaining that participation in the anniversary commemoration would require their physical presence. Hooks' memo asserted that it was the time to act: "On May 17, at 12:00 noon in your time zone, have a body ready to present your proclamation to the Mayor and in 50 state capitals your Governor."⁸⁸ By delivering the proclamations personally, Hooks constructed a commemoration that included African Americans in public space, exercising their rights and, thereby, enacting the message of *Brown*. However, Hooks immediately places conditions on this participation. He reminds members that their action is to be careful, measured, and formal. "May I repeat," the memo continues, "do not get 'hung up' on inconsequential or trivial matters... Take yourself to the Mayor's or Governor's office and give the proclamation to whoever is in the office. Leave it with the fifth (5th) secretary to the janitor if necessary. Pride, ego, passion, self-satisfaction and arguing takes up too much of our time."⁸⁹ The direct instructions signify both the importance of maintaining composure and an awareness of the political and cultural context. Hooks implores his members to show up, but not to make a scene. In closing, he reminds them, "We can get much more done if we keep our eye on the objective... Brothers and Sisters... let's stop 'shucking and jiving' from the top to the bottom and

⁸⁸ "Co-workers," April 16, 1979, Hooks Papers.

⁸⁹ "Co-workers," April 16, 1979, Hooks Papers.

get busy with the job of bringing Freedom to every citizen in this country.”⁹⁰

Invoking slang from days of enslavement, Hooks argues that evading the tough battles will not result in change. By suggesting that the interim 25 years since *Brown* have fallen short of guarding the legacy of those NAACP co-workers before them, Hooks connects the physical act of showing up to commemorate *Brown* with the cultural influence of the NAACP.

The materials distributed to the branches, which include the memo above as well as a booklet and checklists about how to plan the event, emphasized that a lack of participation could cripple the organization. The clear communication from the NAACP national office signaled more than just expectations for the conduct and participation of its members, however. Because the organization was directing coordinated actions simultaneously across the country, if a member were to deliver their document to their local mayor by themselves, they would know they were not actually alone. By demanding the physical presence and participation of just one member, the NAACP created a commemoration that would gather strength from the coordinated actions of a multitude of actors, distributed across places, rather than a multitude of people in one place.

Beyond the practical considerations of logistics and participation, the NAACP’s proclamation readings performed the promise of *Brown*, as African Americans chose to gather, physically placing their black bodies in public space. This kind of transgressive act, of gathering in public space as a person of color, may be

⁹⁰ “Co-workers,” April 16, 1979, Hooks Papers.

mitigated by utilizing the traditional form of proclamation to situate their demand for action on equal rights. As discussed earlier in this chapter, the NAACP emerged from the 1960s cognizant of both their perception in the media and the necessary balance between being “militant” and “responsible.” By instructing only one or two people in 1700 branches to participate at the proclamation delivery in their own communities, the NAACP designed a small-scale event, but one that would produce presence at seats of power. Following the image-events and civil rights demonstrations of the 1950s and 1960s, asking NAACP members to be physically present would have been no small feat.

Once physically present, the NAACP members were also instructed to read the proclamation aloud. Orality is a key component to the performative dimensions of the genre of proclamation, and Hooks’ instructions emphasized the importance of raising their voices: “We must dramatize our strength.”⁹¹ In the post-Brown era, Hooks needed to rally NAACP members around the idea that participation was simple, and that one person who raises their voice could make a difference. Hooks identified the lone participant as integral to voice the “we” of the NAACP, again emphasizing the coordinated nature of the commemoration. In a press release for the “May 17” event, participation is described as answering “the call” from Executive Director Hooks for “every community where there is an NAACP branch” to present a

⁹¹ “Co-workers,” April 16, 1979, Hooks Papers.

copy of the proclamation to their local government.⁹² Designed to give voice and life to the text, these presentations can be understood in relation to the importance of call-and-response and oral traditions in African American culture.

Historians Geneviève Fabre and Robert O'Meally explain that literary and oral modalities are "parts of a tightly interwoven matrix of expression" in African American culture.⁹³ Oral traditions in African American culture are shaped by the African rituals and storytelling practices that survived the slave trade, even into an era where literacy among enslaved peoples was outlawed. As JoAnne Banks-Wallace explains, in African/American traditions the griot was the most respected person, and "was responsible for maintaining the connection between the cultural or historical past and the present."⁹⁴ D'Jimo Kouyate also notes that "without stories in an oral tradition there is no history, no reference" to the past for African Americans.⁹⁵ In her investigation of historical commemorations in the black community, Fabre identifies "celebrations that gave rise to an impressive production of speeches" and the privileged expression of "*spoken word*," music, and motion.⁹⁶ According to Fabre,

⁹² "May 17 Celebration Moves Full Steam Ahead!," Press Release, undated, Box 122, Folder 19, Benjamin L. Hooks Papers, University of Memphis, Memphis, Tennessee.

⁹³ Geneviève Fabre and Robert O'Meally, *History and Memory in African American Culture* (New York: Oxford University Press, 1994), 9.

⁹⁴ JoAnne Banks Wallace, "Talk That Talk: Storytelling and Analysis Rooted in African American Oral Tradition," *Qualitative Health Research* 12 no. 3(2002), 412.

⁹⁵ D'Jimo Kouyate, "The Role of the Griot," in eds., Linda Goss & Marian E. Barnes *Talk that Talk: An Anthology of African American Storytelling* (New York: Simon & Schuster, 1989), 181.

⁹⁶ Geneviève Fabre, "African-American Commemorative Celebrations in the Nineteenth Century," in ed. Geneviève Fabre and Robert O'Meally, *History and*

“gestures and quality of voice” were ritualized and tantamount to performance of celebration in nineteenth century African American culture, and that culture was expressed and re-made through such performances. The critical role that oral tradition plays in both expression and connections in the African American community enhances the commemorative action of coming together, voice(s) raised, to remember *Brown* and demand equality.

Although it is perhaps more difficult, in the absence of video recordings, to trace the oral presentation of the NAACP’s proclamation than to engage with the textual dimensions, there was some press coverage of the events which can elucidate some of the more performative dimensions of the proclamation readings. In Charleston, where the national office staff gathered with Linda Brown, the *New York Times* reported that in addition to reading the proclamation on the steps of the South Carolina state capitol in front of a Confederate statue, the crowd of mostly black demonstrators sang “God Bless America,” led by a local black children’s choir.⁹⁷ Similar coverage in *The Baltimore Sun* mentions that “chapters in 23 counties [all the counties in Maryland] and Baltimore city, presented proclamations to several chief executives,” and further contextualizes the actions in Maryland by reporting that others have been made across the country, “coordinated by the NAACP headquarters

Memory in African American Culture (New York: Oxford University Press, 1994), 73.

⁹⁷ Thomas A. Johnson, “N.A.A.C.P. Groups Across the Nation Mark School Desegregation Ruling,” *The New York Times*, May 18, 1979, A14.

in New York.”⁹⁸ The proclamation was read to Baltimore city’s Mayor Schaefer and other officials “in a brief ceremony.”⁹⁹ Information about the “national mobilization campaign” could also be found in *The Pittsburgh Courier*, which indicates that the Penn Hills branch (local to Pittsburgh) would be participating in the proclamation reading.¹⁰⁰ The day after the 25th anniversary, the *Atlanta Daily World* front page heralded the “May 17 Observance” as a “smashing success,” with “proclamations having been presented at state legislatures in all fifty capitals and at least 490 city halls.”¹⁰¹ Speaking from South Carolina, Hooks told the *Atlanta Daily World* that “only the NAACP could mobilize this type of 25th anniversary observance because of our unique grassroots membership and branch structure.”¹⁰² In Washington, D.C., newly installed mayor Marion Barry, members of Congress, and President Carter accepted the “scroll presentations.”¹⁰³ Although there are only brief mentions of the commemorations in the press, the accounts provide a window into the physical and oral dimensions of performance enacted by the various delivery of the proclamation in communities across the country. It can be assumed that although it was the same text, the context, *elocutio*, and reception differed greatly across the many iterations of

⁹⁸ “Desegregation Ruling Marked Around State,” *The Sun*, May 18, 1979, C2.

⁹⁹ “Desegregation Ruling Marked,” C2.

¹⁰⁰ Robert Flipping, Jr., “Flips Beat,” *Pittsburgh Courier*, May 19, 1979, 11.

¹⁰¹ “Hooks Calls NAACP’s May 17 Observance a ‘Smashing Success,’” *Atlanta Daily World*, May 18, 1979, 1.

¹⁰² “Hooks Calls,” 1.

¹⁰³ “Hooks Call,” 1.

the commemoration.¹⁰⁴ This again highlights the role of coordinated regionalism, where the dramatization of strength was achieved by one or two individuals participating nation-wide, in their respective communities.

The final aspect of performance rests in the “same time, different place” approach to engaging with the past. In addition to physical and oral dimensions, the temporal aspect of the commemoration matters for both the logistical execution of the coordinated regional event and the implication of anniversary, defined in Chapter One as *kairos* + *chronos*. Although Hooks’ call to action constructed a sense of urgency, the subsequent materials to support that action aimed to explain the more quotidian logistics that would ensure the members would be at the right place at the right time.

One of the key materials distributed to the NAACP’s local branches to ensure the anniversary commemoration succeeded was a booklet entitled “May 17th Observance.” The cover featured a small, black boy, looking up towards the sky with the caption “END RACIAL DISCRIMINATION” above a one-line summary of the two *Brown* cases.¹⁰⁵ The language in the booklet differs greatly from that of Hooks’

¹⁰⁴ As mentioned earlier in the chapter, the Brown Anniversary folder in the Hooks Papers includes some correspondence files that pertain to the coordinated regional effort. There are about a dozen thank you notes from Hooks’ office to regional branches that indicate participation on a wide-scale in response to reports that the branches sent to the national office. In some cases, as with the Texas State Conference, there are details about their event. In other cases, there is simply a letter stating that they participated. While these documents do not offer a rich level of detail to my claim, they do suggest that branches participated differently in the “same event.” See Box 122, Folder 19, Benjamin L. Hooks Papers, University of Memphis, Memphis, Tennessee.

¹⁰⁵ Notably the *Brown II* description omits the controversial phrase “with all deliberate speed” in favor of the directive that all jurisdictions “must yield” to the

language in the memos. The sense of urgency characteristic of Hooks' memos is largely absent altogether, replacing life-or-death rhetoric with "requests" and detailing a "low-key celebration" of the *Brown* anniversary. Members are explicitly told that the commemoration "should *not* take the form of a mass demonstration," opting instead for a "simple commemorative gesture."¹⁰⁶ The directions facilitate a formal, calm event, publicized but not large; important but not radical. Hooks' rhetorical job as Executive Director is to drum up support for the organization to ensure their future existence and express the power of the moment. The booklet is designed to provide a more measured approach to ensure that members have adequate directions to carry out the event as envisioned by the national office. The goal of the commemoration was to capitalize on the opportunity to remember the past, but to deploy that past to effect change in the present.

The booklet features a variety of supporting materials for the participating branches, including a press release for the branch to disseminate, a checklist for planning and executing the commemorative event, and an illustrated checklist of important steps to remember. Together, these materials demonstrate the level of support the national office offered to ensure a uniformly successful proclamation reading in regions nationwide. By including specific step-by-step instructions, from press release to proclamation text, Hooks and his staff sought to increase the impact

decision in 1954, eliminating segregation in public schooling; "May 17 Observance," undated booklet, Hooks Papers.

¹⁰⁶ "May 17 Observance," undated booklet, Hooks Papers (emphasis added).

of the event by making small-scale, simultaneous commemorative events professional and prominent. The inclusion of such materials and checklists demonstrated the principle that participation was simple, creating conditions where only one or two members could make a difference. For example, the included press release states that the branch would present “a national proclamation” to their local elected officials in order to commemorate the “historic NAACP led victory which ruled unconstitutional, [sic] segregation in Public Education and also eliminated the separate but equal doctrine.”¹⁰⁷ The release *did not* engage with the content of the proclamation, the NAACP’s place in the future, or the unfulfilled promises in *Brown*. Instead, it facilitated notifying the press, so that even a small branch could publicize their intended plans with minimal effort. It is well documented that the NAACP was deliberate about messaging, as well as sensitive to the political and social climate. Therefore, it was also in the best interest of the organization to have a public facing announcement that was uniform and formal, in order to project strong representations of the values of the larger organization.

The remainder of this booklet consisted of two checklists. The first checklist laid out, step-by-step, in detail how to plan and execute a local event. Like the rest of this booklet, the tone of the checklists did not match the urgency of Hooks’ April 16 memo. Instead, in short simple directions, it offered small, achievable actions to in service of accomplishing the overall goal. The first few steps included setting up a

¹⁰⁷ “Template Press Release,” in “May 17 Observance”, undated booklet, Box 122, Folder 19, Benjamin L. Hooks Papers, University of Memphis, Memphis, Tennessee.

special branch meeting to discuss the May 17 event, and even provided prompts about how to ask members for their support and instructions for appointing a “special publicity campaign chairman” to handle the logistics.¹⁰⁸ Following these initial steps, the directions instructed the branch to “appoint a person who will work with local ministerial associations” and solicit their support, as well as seek their potential presence as a part of the NAACP delegation at a meeting with the mayor. In a standard community organizing tactic, the next step suggested that each minister should bring along at least five congregants from their church. Next, the checklist directed the branch to “arrange for a meeting with college and high school students” and any NAACP Youth council in their area.¹⁰⁹ By reaching out to include a younger generation, specifically those who are still students are most directly impacted by the legacy of *Brown*, the checklist instructions aim to help the branch connect with the larger community, expanding their influence and numbers ahead of the May 17 commemoration.

This first checklist is accompanied by an illustrated checklist entitled, “Checklist of Points to Remember” suggesting that of anything done to prepare, these were the most important.¹¹⁰ In a slightly condensed version of the previous checklist,

¹⁰⁸ “National May 17th Celebration [Checklist],” in “May 17 Observance,” undated booklet, Box 122, Folder 19, Benjamin L. Hooks Papers, University of Memphis, Memphis, Tennessee.

¹⁰⁹ “National May 17th Celebration [Checklist],” in “May 17 Observance,” undated booklet, Hooks Papers.

¹¹⁰ “Checklist of Points to Remember,” in “May 17 Observance,” undated booklet, Box 122, Folder 19, Benjamin L. Hooks Papers, University of Memphis, Memphis, Tennessee.

black and white sketch drawings of African American persons, active in their respective tasks, illustrate the work necessary to make the commemoration successful. This section of the booklet brings to life the more abstract ideas from the previous directions, visualizing actions into something a member could see themselves doing. Although the sketches are not contextualized, they clearly depict members of the African American community engaged in community organizing tasks – a level of visual identification crucial to the rhetorical strategy in play as a part of this resource. There are black men and women of varying ages and various walks of life depicted in these drawings. The individuals depicted in this illustrated checklist are all well put together, dressed professionally, and engaging with the work to be done. The illustrated checklist draws together the abstract concept of “commemorating” with the actions that are required to organize and execute delivering the *Brown* proclamation.

The materials provided to local branches aimed to support their participation from planning all the way through to the anniversary proclamation reading. The final few steps of the checklist were geared directly towards the May 17 event and the proclamation itself, shifting to focus on the day when participation counts. Instructions included communicating with the mayor’s office about coordinating the noon demonstration, contacting the local media for coverage of the ceremony, and circulating copies of the proclamation to other local institutions such as schools and churches. In other words, the plans advocated direct and explicit communication with the community. Presented as a checklist, these steps were written in plain language as directive statements, ensuring that a member could take them one-by-one and mark

them off as the task was completed. By providing directions for the internal organizational details, the NAACP shored up the small details that might derail a small branch's participation on the day of the anniversary, while simultaneously directing community organizing strategies in order to capitalize on the opportunity to strengthen their foothold in their respective communities. Concluding with the promise to update local branches as necessary, the booklet ended with a call to action: "Let's move forward to make this May 17th celebration the most meaningful in the Association's history. God Help Us To Succeed!!!"¹¹¹ The booklet focused on the direct action of May 17, simplifying the potentially complex logistics of a commemorative event into manageable steps. The national office produced a roadmap that meant even less active or smaller branches had the tools to participate, increasing the numbers of participants and thus, the national profile.

Having distributed the initial supporting materials, Hooks followed up with a short memo dated April 20. Archival materials connect this memo with a note to Jerry M. Guess, Hooks' executive assistant, concerning an additional memo to be sent to the branches explaining how the materials work. The note also indicated that Mrs. Hooks corresponded with Ms. Ina Boon, who ran the national office's lifetime membership campaign, on this initiative. Invitations were sent along with these additional instructions, presumably to help branches coordinate with their members and other community leaders. Although a brief pair of documents, they offer insight

¹¹¹"National May 17th Celebration [Checklist]," in "May 17 Observance," undated booklet, Hooks Papers (underline original).

into the operations and intent behind the supporting materials provided to the branches. With 1700 branches, this kind of support would prove a large undertaking, and yet (as the rest of the archival documents show), Hooks and his staff were committed to following up to ensure the success of these regional events.

Most of these materials, however, do not directly mention *Brown* or contextualize the event. Instead, it is referred to only as “May 17.” I believe the reason for this rhetorical choice is two-fold. First, as an organizing tactic, it privileges the important detail and repeats the date to the point of easy recognition. Secondly, the recognition of “May 17” as a touchstone connects the commemoration of *Brown* with the primarily focus of addressing the unfulfilled promises of the *Brown* victory with that date for years to come. By deploying resources towards commemorating *Brown*, the NAACP would influence more than just its members, further positioning the organization as a stalwart in the community, capable of protecting the rights of everyone for generations to come. By depicting the organization as in motion, not static, the booklet makes a visual argument for progress and the work of commemorating the past is connected with progress and future gain. As a dimension of the performance, then, time (and date) can be understood as the conditions for action. The rhetorical moves to realign public memory at an anniversary capitalize on the seemingly naturalistic, *kairotic* moment to reassess the past and promote action in the future. Thus, time proves a critical organizing factor for both the logistical and symbolic support for executing the coordinated proclamation commemorations nation-wide. These three performative dimensions complement the text of the

proclamation to provide a clearer insight as to the NAACP's cultural influence in remembering *Brown* and establishing their course of future action.

NAACP's Mobilizing Campaign as Rhetorical Invention

As these archival documents indicate, coordination of this commemorative anniversary event came from the national office. I argue that in addition to impact on the legacy of *Brown*, the materials created by the organization illuminate two ways in which the planning and execution phases of the NAACP's proclamation readings function as rhetorically inventive resources for the organization. In-line with Peter Simonson's reconceived rhetorical invention, "the generation of rhetorical materials" enacts the process of rhetorical invention.¹¹² On both a meta-level, of the production of supporting documents, and the broader level, of influential cultural resources, the NAACP's "national mobilization campaign" acts as rhetorical invention.

After engaging with a brief history of the rhetorical reclamation of traditional elements of discourse in an expansive modern atmosphere, Simonson proposes that expanding the traditional definition of rhetorical invention to incorporate multiple approaches to "generation" of materials acknowledges the art of invention as a "socio-cultural process" instead of the genius of (or formulaic application by) the rhetor.¹¹³ Much like the 1970 Wingspread conference did for the textual boundaries of rhetorical inquiry, Simonson argues for acknowledging the "dynamic, being-in-

¹¹² Peter Simonson, "Reinventing Invention, Again," *Rhetoric Society Quarterly* 44, no. 4 (2014), 313.

¹¹³ Simonson, "Reinventing Invention, Again," 312-3.

the-world selves, organizations, collectives, and places” which are making and re-making our material and symbolic world.¹¹⁴ To do so, he advocates engaging with “inventional media,” or the “interlocking and dynamic” production of rhetorical materials that prove to be traces of the inventional process.¹¹⁵

On a meta-level, this means I engage with the memos, booklet, and press releases produced by the NAACP in preparation for the anniversary proclamations as rhetorical materials as instantiations of rhetorical invention. These materials serve as traces of the inventional process for the NAACP’s coordinated performance on the anniversary of *Brown*. Drawing from cultural resources and bounded by generic constraints, the NAACP adhered to norms of epideictic discourse and rhetorical analogues for coordinated regional commemorations to remember *Brown* at the 25th, but they also utilized the *kairotic* opportunity of the anniversary to shape their future action. In a way, however, they also reconfigure these norms, bending the expectations of proclamation to both commemorate the past *and* demand the promise of *Brown* be fulfilled. From a broader perspective, the NAACP coalesced these “rhetorical materials” they produced to generate rhetorical action, both textually and performatively, positioning the organization as a cultural force. Deploying their local branch structure to “dramatize their strength,” the organization used the 25th anniversary to demonstrate their prowess as an influential player in continued civil rights discourse. Thus, the NAACP itself in turn becomes a rhetorical inventional

¹¹⁴ Simonson, “Reinventing Invention, Again,” 313.

¹¹⁵ Simonson, “Reinventing Invention, Again,” 313-4.

resource to continue to address persistent segregation and inequality in the United States. Drawing from an anthropological observation, Simonson writes that “a culture that equates invention with creativity and newness as opposed to tradition or repetition” overlooks the classical rhetorical approach to invention as “the ‘coming-in’ (in-venire) of what was already known.”¹¹⁶ If, as Simonson demonstrates, rhetorical invention is the generation of rhetorical discourse “through finding, creating, assembling, translating, recombining, channeling, or giving form to,” then the rhetorical materials produced for the 25th solidified the NAACP’s ability to act, ability to impact news cycles, and ability to “generate” and influence public memory.¹¹⁷

Conclusion

The commemorative proclamation readings at the 25th anniversary of *Brown* served as a call to the past and a roadmap for the future. The observation of May 17 not only registered a public impact, but also created internal, organizational effects, too. Included in the Hooks’ Papers archive about the 25th anniversary of *Brown* are pages of correspondence from Hooks’ office thanking branch presidents and state conference chairs for their participation in the commemoration. After the anniversary, Hooks’ job shifted to praising the success of the event and reminding them how crucial their continued involvement would be to the future of the NAACP. In order to

¹¹⁶ Ivo Strecker and Stephen Tyler as quoted in Simonson, “Reinventing Invention, Again,” 312.

¹¹⁷ Simonson, “Reinventing Invention, Again,” 313.

ensure regional and local branches executed his vision, he had provided them step by step guides about how to commemorate *Brown*, including what to do and when. That model, however, was unsustainable. Thus, in the weeks following the anniversary, Hooks' main focus would become empowering his members to stay active through encouragement and praise, without providing step-by-step instructions for future actions.

By linking the regions together and coordinating action at the anniversary, Hooks' employed a strategy that would vault the NAACP back into the forefront of civil rights conversations. The ultimate success of the proclamation readings, however, would come from the *perception* that local branches could affect change on their own in the future, not only by following not step by step directions from the national office. The anniversary presented a "natural" time to reassert the past for the present and the future, but beyond the anniversary, local branches and state conferences would have to again work out their own agendas. Wrapping up the logistical aspects of the anniversary commemoration with praise of their efforts could serve as a feather in their cap as they turned to more localized problems.

Finally, as a strategy that links regions together but emphasizes the regional over the national, coordinated regionalism privileges being "on the ground" in many places at once. Coordinated regionalism draws upon the power of numbers but allows for difference. Instead of gathering together under a nationalized structure, the NAACP deployed, to borrow Hooks' description, its' "grassroots structure" embracing similar, but not identical commemorations. I argue that this strategy prepared their membership for the rough road ahead, which would include continued

battles against educational and social segregation, fights to ensure the elimination of employment and housing discrimination, and the hyper-individualism and greed of the 1980s. The coordinated anniversary proclamations demonstrated that the organization could still direct and effect change, by using the moment of the anniversary to diagnose the past and prescribe action for the future. The performative dimensions of the proclamation readings, paired with the rhetorical invention enabled by the commemoration overall, situated the NAACP as a guardian of equality and gatekeeper of public memory of *Brown v. Board of Education*.

Chapter 3: Nationalizing Memory: Celebration v. Commemoration in 2004

The morning of May 17, 2004 in Topeka had begun with Kansas Governor Kathleen Sebelius signing a proclamation on the steps of the Capitol, just a few blocks from the soon-to-be dedicated National Historic Site (NHS) and *Brown v. Board of Education* Museum. Against the backdrop of a picturesque blue sky, dignitaries gathered later that morning at the Monroe school to address a crowd of about 4000 on the 50th anniversary of the landmark Supreme Court decision that declared segregation unconstitutional. Following two years of planning and forums by the *Brown v. Board of Education* 50th Anniversary Commission, a ceremony of national significance that included President Bush, among other important speakers, signaled a recommitment to preserving sites associated with *Brown* and to ensure its place as a milestone in the national consciousness. As a commemorative event, the dedication ceremony provides “a focal point, a symbol that draws attention and triggers the desire for ritual,” while the anniversary provides a point of coalescence for the memory of Brown.¹

The 50th anniversary in Topeka was well-documented by the press. The

¹ According Frost and Laing, commemorative events provide “a mechanism to encourage remembering and reflection on the national story...They are often large-scale, officially authorised and funded events, deliberately designed to reach and involved very large numbers across a broad geographical area. For the people of a country, they provide a sense of belonging.” Warwick Frost and Jennifer Laing, *Commemorative Events: Memory, Identities, Conflicts* (London: Routledge, 2013), 12, 28-9.

Richmond Times Dispatch described an “international spotlight” shining on the “prairie city,” while the *Philadelphia Inquirer* dubbed the Monroe school as the “symbolic epicenter of the desegregation movement.”² On the 50th anniversary, the nation’s gaze turned, if only momentarily, to the heartland and its relationship to civil rights. Extensive coverage from the *Associated Press*, *CNN*, and the *Washington Post* described the commemorative event from a variety of angles for a national audience.³ There was also brief coverage of a small white supremacist rally and the presence of counter-protestors near the museum site in the days before the ceremony.⁴

² Robin Farmer, “A Ruling on Race that is Still Reverberating,” *Richmond Times Dispatch*, May 17, 2004, A1; William Douglas and Thomas Fitzgerald, “Bush, Kerry Mark ‘Brown’; The 50th Anniversary of the School-Desegregation Order Put Their Focus on Schools,” *Philadelphia Inquirer*, May 18, 2004, A06.

³ “Brown v. Board of Education, 50 Years Later; IGC President Killed; Same-Sex Marriages Become Legal in Massachusetts,” *CNN Transcripts*, May 17, 2004; Ben Feller, “Bush Heads to Heartland of School Desegregation,” *Associated Press*, May 17, 2004; Carl Manning, “Historic site stands as legacy to civil rights struggle,” *Associated Press*, May 18, 2004; “The Gap: 50 Years After the Brown Ruling,” *CNN Transcripts*, May 16, 2004; Heather Hollingsworth, “Historic Site Shows Civil Rights Struggle,” *Associated Press*, May 16, 2004; Heather Hollingsworth, “Topeka School Rededicated as Monument to Supreme Court Decision Brown v. Board of Education,” *Associated Press*, May 17, 2004; Jacqueline Trescott, “‘Deliberate Speed’: The Slow March To Desegregation,” *Washington Post*, May 14, 2004, C01; “Interview with Norman Solomon; Profile of Brown V. Board Of Education Museum,” *CNN Transcripts*, May 15, 2004; Mary Quattlebaum, “Case History,” *Washington Post*, May 14, 2004, T21; Mike Allan and Dan Baltz, “Bush and Kerry Mark ‘54 Ruling; Nation ‘Strives to Do Right,’ President Says,” *Washington Post*, May 18, 2004, <http://www.washingtonpost.com/wp-dyn/articles/A34526-2004May17.html>; “Kerry to Attend Events in Topeka for Anniversary of Landmark Case,” *Associated Press*, May 12, 2004; Tom Raum, “Brown at 50: Bush, Kerry Agree - Much More to Be Done on Racial Equality,” *Associated Press*, May 17 2004.

⁴ “White Supremacists Leave Early After Close Confrontation,” *Associated Press*, May 15, 2004; There was also a report, although overall scant coverage, of the “free speech zone,” a common tactic during the Bush presidency for geographically locating protestors away from his public appearances. See Scott Rothschild,

Restored and converted into a museum space, the Monroe school was the all-black elementary school that Linda Brown attended before her father, Oliver Brown, attempted to enroll her in the all-white Sumner school closer to their family's home. Closed by the Board of Education of Topeka in 1975, the building had then served as a warehouse and following a private sale, faced demolition as a part of a larger redevelopment plan. As a result of a concerted campaign to save the building by the Brown Foundation in the early 1990s, Congress authorized and funded the National Historic Site and museum project in 1992.⁵ Renovated "to preserve, protect, and interpret for the benefit and enjoyment of future generations" the *Brown v. Board of Education* decision, the Monroe school represents material efforts to nationalize the case. Roger C. Aden, Min Wha Han, Stephanie Norander, Michael E. Pfahl, Timothy P. Pollock, Jr., and Stephanie L. Young argue that "recollection is both a process and a product," so in examining the broader rhetorical implications of the 50th anniversary commemorations of *Brown*, this chapter offers context by way of a brief history of the process of forging the Monroe School as a National Historic Site and the Department of Interior's planning phases for the museum and historic site, before engaging with the dedication of the final product of the museum.⁶

"Demonstrators Complain Protest Forced 'Out of View,'" *Lawrence Journal-World*, May 18, 2004, 5.

⁵ "To Provide for the Establishment of the Brown v. Board of Education National Historic Site in the State of Kansas, and for Other Purposes," *Public Law 102-525* (1992).

⁶ Roger C. Aden, Min Wha Han, Stephanie Norander, Michael E. Pfahl, Timothy P. Pollock Jr, and Stephanie L. Young, "Re-collection: A Proposal for Refining the

The dedication of the *Brown* NHS is unique, however, because whereas nationalization is typically totalizing, the dedication ceremony and the museum exhibits themselves make space for the expression of marginalized voices and expression of blackness and black experience. While white speakers generally retell the simplified, digestible story of Linda Brown's long walk to school and focus on *past* struggles for equality, African American speakers give public voice to the continued and *present* struggle for equality, acknowledging *Brown's* role on a historical continuum and at work in their own lives.

In this chapter, I undertake the investigation of the difference between white voices that encourage celebration and black voices that commemorate memory. As an extension of Lisa Flores' challenge to the discipline to engage with racial rhetorical criticism, where "sustained critical attention to race" benefits scholarship, drawing upon as a reason for attention to a text.⁷ Yet, as with any attempt to talk about racialized patterns, I suffer from a real fear of committing the sin of essentialism. Flores acknowledges that critical attention to race is "anything but simple" and even though the work is hard – at times seemingly unmanageable – Flores argues that "we must learn how to do so."⁸ In an effort to avoid broad characterizations that work against the argument I am advancing, I emphasize the plural "voices" throughout the

Study of Collective Memory and its Places," *Communication Theory* 19, no. 3 (2009), 313.

⁷ Lisa Flores, "Between Abundance and Marginalization: The Imperative of Racial Rhetorical Criticism," *Review of Communication* 16, no. 1 (2016), 5-6.

⁸ Flores, "Between Abundance and Marginalization," 17.

chapter, and consciously ground my analysis in a close textual reading of the ceremony's speeches. As a critic, however, I have determined that it cannot be coincidental that black voices are oriented towards commemoration and white voices towards celebration, and so I engage with these categorizations with careful consideration of the neoliberal constraints on race and efforts to theorize expression of voice – specifically black voices.

The first section of this chapter contextualizes the decision to locate the national memory of *Brown* in Topeka and explores the discourse of preservation, utilizing materials from advocacy and planning phases of the project. Next, I will foreground my analysis of white and black voices by drawing on literatures of neoliberalism, whiteness, and blackness, as well as scholarship discussing the functions of commemoration and celebration in public memory. The following section analyzes the two-hour dedication ceremony as a site of rhetorical negotiation over the meaning of *Brown*, attending to the ways that white voices and black voices construct different perspectives of *Brown*'s legacy, characterize different present situations, and envision those different consequential futures. Finally, this chapter concludes by discussing the effects of the 50th anniversary, exploring the ways in which preservation and celebration can obscure the more difficult work of “hearing the hurt,” to borrow Eric King Watts’ framing, of black voices and ensuring equitable educational opportunities in the future.⁹

⁹ Eric King Watts, “‘Voice’ and ‘Voicelessness’ in Rhetorical Studies,” *Quarterly Journal of Speech* 87 (2001):

The modern cultural landscape, as Michael Calvin McGee argues, demands that rhetoricians account for the fragmented pieces of culture in their continued study of rhetorical texts, considering *how* texts are consumed in addition to how they are created. Guided by the rhetorical power of anniversaries to redefine public memory, it is necessary to treat the speeches as fragmented texts of the larger, whole ceremony. Engaging with the individual speeches as fragments of the dedication ceremony as a commemorative event allows me to do two things methodologically. First, I can construct a more comprehensive account of the many ways that public memory of *Brown v. Board of Education* is shaped by the discourse at the 50th anniversary. As Edward S. Casey reminds scholars, public memory is not monolithic.¹⁰ There are many layers of publics and meanings that collide, intersect, or compete in any process of remembering. This multi-layered approach allows for critical flexibility when engaging an anniversary commemorative event like the *Brown v. Board of Education* NHS dedication ceremony, where the ceremony featured sixteen separate speeches in addition to the new, permanent place of memory represented by the museum.

Secondly, re-constructing a complex text from fragments extends that critical sensibility to recovering the cultural milieu of 2004 and the ongoing political, social, and racial tensions. Consequently, it is this constellation of constraints on the public memory of *Brown* that illuminates seemingly contradictory efforts to celebrate or commemorate the decision. By addressing the ceremony as a whole, an aggregate of

¹⁰ Edward S. Casey, "Public Memory in Place and Time" in ed. Kendall R. Phillips, *Framing Public Memory* (Tuscaloosa: Alabama, 2004): 17-44.

the individual speeches, this chapter is also able to address the overall tone, texture, and contribution of the ceremony in the efforts to remember and redefine the memory of Brown at the 50th anniversary.

Finally, this text also connects the larger project's arguments concerning the rhetorical power of anniversaries, specifically the memory work supported by a 50th, (a monumental anniversary) to consolidate the public memory of *Brown* into what Pierre Nora terms *lieux de memoire*, or national storehouses of public memory.¹¹ Notably, as a monumental anniversary, the 50th brings place and time into conversation in a unique way. Different than the examination of the 25th, the importance of the historical distance of 50 years emphasizes the need to remember *Brown* permanently, as those who were involved in the case have either passed away or have begun feel the pressure of aging on their own personal abilities to remember.¹² Thus, erecting a national storehouse of memory proves a critical element

¹¹ In his discussion of sites of memory, *lieux de memoire*, and environments of memory, *milieux de memoire*, Pierre Nora differentiates between living in memory and the need to freeze memory into "history." Juxtaposing competing notions of memory and history, Nora writes that if we lived the "ritual repetition of timeless practice," there would be no need to "consecrate" memory sites to avoid forgetting. Nora's foundational idea, drawn into the work of public memory scholars, centers many debates about memory places. I invoke Nora's storehouse of memory here because it is the best illustrative term for the *Brown v. Board of Education* NHS and its place in the national imaginary. Pierre Nora, "Between Memory and History: Les Lieux de Mémoire," *Representations* 26 (1989): 7-24.

¹² For example, Cheryl Brown Henderson reflects on the passing of Thurgood Marshall in her speech, that losing him seemed "to signal the end of an era" of "living history;" see "*Brown v. Board of Education* Site Dedication," CSPAN, May 17, 2004, (00:19:37) <https://www.c-span.org/video/?181873-1/brown-v-board-education-site-dedication>.

in combatting the fear of forgetting and erasure, or in the case of the Monroe school building, demolition. The Brown Foundation described the campaign to establish Monroe as a NHS and its research into historical elements of the case are “urgent” for protecting the memory of school segregation.¹³ Anniversaries provide a powerful exigence for redefining relationships to the past, and the dedication ceremony functions to nationalize *Brown* and justify a brick-and-mortar permanent place of memory.

Addressing multiple speeches as fragments means having to carefully attend to some tensions that would not arise in a single discrete text. The *Brown v. Board of Education* museum opening was marked by a series of tensions. 2004 was a contentious presidential election year, with President Bush up for reelection, while the U.S. was pulled deeper into active wars on two fronts, highlighting the division between foreign and domestic responsibilities. Studies released in the early 2000’s highlighted the nation’s re-segregation trends in public schools, a reality widely reported on in the media coverage of the 50th anniversary. By 2004, the controversy surrounding President Bush’s *No Child Left Behind* Act revealed the duality of American public schools, where income and race served as markers of educational access and success, not test scores. As with many public memory texts, there is also a tension between historical continuity and historical distance in the act of remembering. Dedicating the museum on the 50th anniversary connects the past,

¹³ “The Preservation Effort, 1990-2004,” *Brown Foundation*, <https://brownvboard.org/content/preservation-effort-1990-2004>.

present, and future in an effort to redefine the legacy of *Brown* in the larger narrative of national identity.

Planning for the Brown v. Board of Education Museum

According to the Brown Foundation, a 1985 study commissioned by Chief Justice Warren Burger identified the *Brown v. Board of Education* case as a crucial component in the preservation of constitutional history in the United States. As a result, Sumner Elementary, the all-white school at the heart of the Topeka case, received National Historic Landmark (NHL) status in 1986.¹⁴ In November 1991, the NHL designation was revised to include Monroe.¹⁵ At that time, Sumner Elementary

¹⁴ The study also identified the Brown's family home as a focus of constitutional history and preservation efforts, but it had already been torn down; see "The Preservation Effort, 1990-2004."

¹⁵ The nomination form reads: "After further review of the material facts relating to the Brown decision, it was decided to amend the original nomination;" see U.S. Department of the Interior and National Parks Service, "USDI/NPS Registration Form: Sumner Elementary School and Monroe Elementary School," prepared by Martha Hagedorn-Krass and Harry A. Butowsky, July 25, 1991, OMBNo 1024-0018, <https://npgallery.nps.gov/GetAsset/747c17dd-b2b4-44e9-aa39-fe10a045d3b2/>; there are a variety of dates reported for this revision. I have chosen to advance the date offered by Jerry Rodgers on behalf of the National Park Service during the Public Lands subcommittee hearing of November 6, 1991; see also U.S. Congress, Senate, Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources, *Revere Beach; Memorial to World War II Veterans; Hudson River Artists Park; Brown V. Board of Education Site; Memorial to Japanese American War Veterans; and Little River Canyon Preserve*, 102nd Cong., 2nd sess., 1992, 68; see also "Monroe Elementary School," *National Park Service*, <https://www.nps.gov/articles/500006.htm#4/34.45/-98.53>.

was still an operating school, but Monroe stood vacant having closed in 1975.¹⁶ In the interim, the building had served as a warehouse, a bus parking lot, been sold, and briefly served as a church space (before again being used as a warehouse).¹⁷ The Brown Foundation blames a simplified narrative of the case focused on admission into Sumner for the original oversight that excluded Monroe.¹⁸

Following a lobbying campaign, the bill to establish the *Brown v. Board of Education* NHS and Museum became law on October 26, 1992. In her testimony before the Senate subcommittee on Public Lands, National Parks, and Forests subcommittee, Cheryl Brown Henderson directed lawmakers' attention to the building's recent designation as "nationally significant."¹⁹ During her statement, Brown Henderson addressed the gap between the lived experience of African Americans and their inclusion in national memory. The proposal for the *Brown v. Board of Education* museum and NHS was presented alongside other proposed national sites, as a chance to expand national memory and protect the legacy of the case. In 1992, she says, only "5 percent of national historic landmarks and national sites relate directly to the role of African-Americans, but that the "events of 1992 have made it painfully clear that each and every generation must be taught" the

¹⁶ U.S. Congress, Senate, Subcommittee, *Revere Beach*, 33; U.S. Department of the Interior, "Cultural Landscape Guidelines: Brown v. Board of Education National Historic Site, Topeka, Kansas," 462-D9, November 27, 2000, 755.

¹⁷ "The Preservation Effort, 1990-2004;" U.S. Department of the Interior, "Cultural Landscape Guidelines," 47.

¹⁸ "The Preservation Effort, 1990-2004."

¹⁹ U.S. Congress, Senate, Subcommittee, *Revere Beach*, 75-6.

importance of equality under the law.²⁰ Presumably, Brown Henderson is referring to the “Los Angeles Riots” of 1992, a response to the LA police beating of Rodney King the previous year. Speaking as an African American woman on behalf of her family, foundation, and community, Brown Henderson argues for incorporating more sites of African American heritage into the nation’s landscape as a way of addressing racism in the U.S. With final passage of the bill, this approach to remembering race would be put to the test at the dedication ceremony more than a decade later.

Planning the National Historical Site and Museum

As with most memory places, a National Historical Site represents both a process and a product. Because federal guidelines dictate a meticulous planning process, the creation of General Management Plans (GMPs) that govern a site’s projected action and interpretation goals for a period of 10-15 years product clear documents that contextualize the final museum. According to the General Management Plan for the *Brown v. Board of Education* NHS published in August 1996, the site was to be a place where “concepts of civil rights and equality are effectively communicated to all visitors, regardless of age, race, or background; where people are educated, provoked, and challenged; and where people understand how the historic Supreme Court decision has affected their everyday lives.”²¹ The

²⁰ U.S. Congress, Senate, Subcommittee, *Revere Beach*, 76.

²¹ National Park Service, “General Management Plan, Development Concept Plan, Interpretation and Visitor Experience Plan: Brown V. Board of Education National Historic Site, Kansas,” August 1996, <https://archive.org/details/generalmanagemen00brown>, ii; In my 2018 field-research

completion of the site was planned as two phases. The first phase would meet the minimum requirements to open the museum to interpret the basic elements of the decision, while the second phase would programmatic elements and enhance the interpretive media available.²² From this first planning document, the museum focused on the stories and persons associated with *Brown*, not artifacts or the Monroe school building.²³

The GMP situates the *Brown v. Board of Education* decision in terms of the larger American narrative of civil rights, outlining the relationship between the *Brown* cases, the Monroe School building, and other sites of national significance. Promoting an increased understanding of citizenship and civil rights, the plan also indicates that a strong sense of nationalism at the *Brown v. Board of Education* museum could result in increased visitation to other similar sites across the country.²⁴ As a federally required guide for an NPS site, the GMP includes the legislative objectives, paired with the site's plan to accomplish those goals. By the mid-1990s, museums were

trip, I would learn from the Interpretive Rangers on staff that not much has been added or updated since the museum opened.

²² These phases are also mentioned in preview media coverage, as in this CNN piece that describes the museum's focus on the "big picture" with plans for more about the case "sometime in the future." "Interview with Norman Solomon."

²³ National Park Service, "General Management Plan," August 1996, iv; see also discussion of a "stories versus artifacts" approach to museum studies further elucidated in Chapter Four.

²⁴ National Park Service, "General Management Plan," August 1996, iv; This interconnected projection proves insightful, especially given the recent (2018) launch of the Civil Rights Trail by the Trust for Public Lands to promote connections between sites of Civil Rights Era memories. For information on the Civil Rights Trail, see <https://civilrightstrail.com>.

highly concerned with visitor experience, and the new *Brown v. Board of Education* museum proved no exception.²⁵ As such, “visitor experience” comprises a significant portion of the GMP, which indicates plans for an “emotional, controversial, and complex” interpretation of *Brown*.²⁶ The report identifies schoolchildren as a “high proportion” of the anticipated visitors, elevating the already challenging task of achieving complexity in public display. Although difficult to execute, the expected audience illuminates the proposed philosophical and political function of the NHS – the education of citizens and display of national values. Providing a roadmap to support this function, the plan states, “Visitors will understand the far-reaching implications of *Brown v. Board of Education*, the importance of participating in the democratic process to secure fundamental rights, and the sacrifices people make to secure these rights.”²⁷ Educating visitors of the impact of *Brown* is critical to the function of the museum, however, a focus on the “process” and “sacrifice” of the case demonstrates that the key citizenship is full participation in the democratic system. Thus, from its earliest planning stages, the *Brown v. Board of Education* NHS was designed to fulfill dual roles as site-specific and nationalizing influences.

The GMP also lays out expected challenges for the museum, primarily the large undertaking of contextualizing attempting to tell the whole story of

²⁵ For a review of visitor experience practices in museum studies, see Randolph Starn, “A Historian's Brief Guide to New Museum Studies,” *The American Historical Review* 110, no. 1 (2005): 68-98; see also Chapter 4 discussion on new museum theory and visitor experience.

²⁶ National Park Service, “General Management Plan,” August 1996, 6.

²⁷ National Park Service, “General Management Plan,” August 1996, 7.

desegregation. To meet this anticipated challenge, the GMP includes eight interpretive themes to organize the museum's displays: The Verdict, The Effects, Civil Rights, The People, The Context, The Constitution, The Common Denominators, and Human Rights.²⁸ The GMP expands on these themes, offering examples of "stories that give dimension, substance, meaning, and context."²⁹ The intended design of the exhibits promoted access to the details of *Brown*, its relationship to other desegregation cases, and its connections to civil rights sites across the country. Explicitly tasked with helping visitors "better understand their obligations as citizens of democracy and their ethical responsibilities to themselves and others," the early plans for the museum featured sweeping indications of nationalizing discourse.³⁰ The GMP also laid out suggestions for the function and flow of the museum exhibits and use of existing classroom space – much of it realized in the final design of the building.

The GMP offers some insight into the difficult ask of addressing race and *Brown* earnestly while trying to preempt potential controversy. To foster discussion and debate about race and equality, the GMP emphasized the critical role of visitor experience in the museum. As included in the "Visitor Interpretation" section of the report:

²⁸ National Park Service, "General Management Plan," August 1996, 14-5.

²⁹ Note the use of the plural "stories." The use of the plural indicates the planners were open to incorporating perspectives, instead of universalizing a single story; National Park Service, "General Management Plan," August 1996, 50.

³⁰ National Park Service, "General Management Plan," August 1996, 15.

“National parks often commemorate places of conflict among dissimilar people and preserve places of historical and cultural significance to distinctive groups. One of our park’s duties involves telling the park’s story through the application of interpretive techniques. The overall approach to historical interpretation is simply representation and inclusion, which means using the latest and best scholarship and verbatim accounts of participants and observers. Controversy will not be avoided. Where historians and others differ on description and interpretation of past events, visitors will have direct access to the differing perspectives.”³¹

Recognizing the potential for controversy and uncomfortable discussions about race, the GMP resolved that the *Brown v. Board of Education* museum would “avoid expressing opinions or making judgements,” in displays, settling instead to “present accurate history” and let visitors come to their own conclusion.³² This is one example of the challenges in navigating the typically totalizing nationalization of memory with the critical mission of discussing inequality and race.

The Problem of Re-segregation

By the time the *Brown v. Board of Education* NHS and museum was set to open on the 50th anniversary of in 2004, the state of public education in the United

³¹ National Park Service, “General Management Plan,” August 1996, 49.

³² National Park Service, “General Management Plan,” August 1996, 49.

States was under intense scrutiny. One of the most comprehensive studies about the problem of re-segregation in schools was co-authored by the co-director of the Civil Rights Project, Gary Orfield. Entitled “Brown at 50: King’s Dream or Plessy’s Nightmare?” the report highlighted the phenomenon of re-segregation across the United States: “We are celebrating a victory over segregation at a time when schools across the nation are becoming increasingly segregated.”³³ In “Brown at 50,” Orfield and Lee conclude that the trend of re-segregation has been increasing, and while the judicial oversight in southern regions of the US was largely successful, “the desegregation impulse in the North was weak, uncertain, and constrained by the Supreme Court.”³⁴ Detailing the “widely different situations” that face the five original *Brown* regions, from white flight in South Carolina to the merger of multiple districts in Delaware, the report registered changing demographics across the country and the failure of different policies enacted to redress segregation.

The American public, on the other hand, expressed mixed attitudes about equality, race, and education, revealing a deep gulf in understanding of the state of the nation’s educational system. Ahead of the 50th anniversary, the Gallup Poll found

³³ Gary Orfield and Chungmei Lee, “Brown at 50: King’s Dream or Plessy’s Nightmare?,” *The Civil Rights Project*, January 2004, <https://civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/brown-at-50-king2019s-dream-or-plessy2019s-nightmare/orfield-brown-50-2004.pdf>, 2.

³⁴ Orfield and Lee, “Brown at 50,” 2, 4; For a more in-depth discussion of the longer-term trends, see Gary Orfield and Susan Eaton, *Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education* (New York, New York: The New Press, 1996).

“that the vast majority of Americans (90%) acknowledge that educational opportunities for black children have gotten better since 1954,” but “a majority of adults (59%) think that black children in the United States do have educational opportunities equal to those of white children,” while “nearly 4 in 10 (38%) say that they do not.”³⁵

In an effort to illuminate this divide, *Education Week* ran a series supported by a Rockefeller Center grant, to explore the legacy of *Brown* in communities nationwide. Beginning in January with Summerton, South Carolina, *Education Week* declared, “Here in this birthplace of the school desegregation movement, integration has failed.”³⁶ The series went on to investigate other cities, like Charlotte, where prominent post-Brown desegregation efforts successfully reshaped the state of public education. Wrapping up their series as the Brown 50th Anniversary Commission completed their work, *Education Week* concluded, “segregation remains in the nation’s schools and between neighborhoods and school districts.”³⁷ It is in this context that dignitaries and leaders gathered to dedicate the new *Brown v. Board of Education* museum, among re-segregating public schools and a country divided on the legacy of *Brown*.

³⁵ “Race and Education: The 50th Anniversary of Brown v. Board of Education,” *Gallup Poll*, April 27, 2004.

³⁶ “Stuck in Time; The Movement to Desegregate Precollegiate Education Got its Start in Summerton, S.C. But Then it Passed Right on By,” *Education Week*, January 2004, <https://www.edweek.org/ew/articles/2004/01/21/19summerton.h23.html>.

³⁷ Alan Richard, “Brown Anniversary Panel Ends Commemoration of Case,” *Education Week*, November 2004, <https://www.edweek.org/ew/articles/2004/11/17/12fed-2.h24.html>.

Investigating Voices

This chapter explores how black and white voices shaped memory of *Brown* in the dedication ceremony at the 50th anniversary differently by investigating the ways in which speakers constructed the past, present, and future of desegregation efforts. Informed by work explicating neoliberalism, strategies of whiteness, and the development of a black public voice, the textual analysis that follows argues that while white voices advance a frame of celebration, black voices construct a frame of commemoration. I argue that as two parallel frames, celebration and commemoration present competing goals for the 50th anniversary, wherein white voices seek to nationalize memory, and therefore re-center whiteness, and black voices seek to pluralize memory, broadening the boundaries of experience to be inclusive of multiple perspectives.³⁸ Before turning to this analysis, however, I engage the existing scholarly conversation concerning neoliberalism, race, and memory.

Following Rob Asen's definition of neoliberalism as the "rise of the market as a model for human relationships, politics, and society," I argue that understanding neoliberalism as a dominant force in the U.S. helps explain why white and black voices diverge during the 50th anniversary dedication ceremony. Asen articulates that neoliberalism ultimately operates to render "inequality invisible" by privileging competition over collaboration and enacting a "singular and universal sphere of

³⁸ A note of observation: Women of color are nearly absent from the ceremony but comprised the majority of the Topeka plaintiffs.

activity.”³⁹ Consequently, neoliberalism advances a post-racial perspective obfuscating race and muting expression of difference. Darrel Wanzer-Serrano explains that neoliberalism operates “by the suppression of race as a legitimate term in public discourse,” seeking to devalue the term and limit the power of individual distinctions.⁴⁰ This suppression often results in a myth of colorblindness, or the outright erasure of race as a valued characteristic in society. The danger of a post-racial discourse, as Michelle Alexander explains, is that it “prevents us from seeing the racial and structural divisions that persist in society: the segregated, unequal schools, the segregated, jobless ghettos, and the segregated public discourse.”⁴¹ Sarah Ahmed’s work on diversity offers an *in situ* example of how neoliberalism constrains discussions of race. Ahmed argues that while addressing “diversity” is often promoted in a higher-educational setting, discussions of “racism” are deemed inappropriate.⁴² In other words, neoliberalism devalues racialization in favor of homogenizing “difference.” As J. David Cisneros concludes, neoliberalism resorts to hiding racism by scattering racialization across “culture, class, nationality, and so on,

³⁹ Robert Asen, “Neoliberalism, the Public Sphere, and a Public Good,” *Quarterly Journal of Speech* 103, no. 4 (2017), 330-1.

⁴⁰ Darrel Enck-Wanzer, “Barack Obama, the Tea Party, and the Threat of Race: On Racial Neoliberalism and Born Again Racism,” *Communication, Culture, & Critique* 4, no.1 (2011), 24.

⁴¹ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2012), 241.

⁴² Sarah Ahmed, *On Being Included* (Durham: Duke University Press, 2012).

which allows for the possibility of racialization that purports to be colorblind.”⁴³ Like Ahmed, Cisneros and Nakayama argue that “dismissing the difference between white people and people of color as an irrelevant distinction... upholds and affirms dominant ways of being, knowing, and doing.”⁴⁴

The dedication ceremony on the 50th anniversary both maintains and challenges the neoliberal influence on remembering *Brown* through an examination of the contributions of white and black voices. As “the sound of specific experiential encounters of civic life,” Eric King Watts advances a broader theory of voice as a “vehicle for cultural meanings that come into play in a text.”⁴⁵ Voice functions as a critical element for understanding the role of commemoration and the pluralization of memory. As theorized by Watts, rhetorical study of voice requires “researchers to be sensitive to multiple spaces and complex temporalities.”⁴⁶ Watts defines voice as the ethical and emotional expression of affect. Exploring the previous ways in which rhetorical studies have engaged with voice in the past, he concludes that rhetorical “voice” is not a unitary thing that inhabits texts or persons either singly or collectively. It is itself a happening that is invigorated by a public awareness of the

⁴³ J. David Cisneros, “A Nation of Immigrants and a Nation of Laws: Race, Multiculturalism, and Neoliberal Exception in Barack Obama’s Immigration Discourse,” *Communication, Culture, & Critique* 8 (2015), 360.

⁴⁴ J. David Cisneros and Thomas K. Nakayama, “New Media, Old Racisms: Twitter, Miss America, and Cultural Logics of Race,” *Journal of International and Intercultural Communication* 8, no. 2 (2015), 142.

⁴⁵ Eric King Watts, “‘Voice’ and ‘Voicelessness’ in Rhetorical Studies,” *Quarterly Journal of Speech* 87 (2001), 184-5.

⁴⁶ Eric King Watts, *Hearing the Hurt: Rhetoric, Aesthetics, and Politics of the New Negro Movement* (Tuscaloosa: University of Alabama Press, 2012), 191.

ethical and emotional concerns of discourse.”⁴⁷

Thus, to do my best to navigate the dangers of essentialism, I refer to *voices* (plural) throughout my analysis, which also emphasizes the text as an aggregate of multiple speakers, not a single speaker on behalf of a group. I extend this work on voice by attending to the contributions of white voices and black voices as they manifest the frames of celebration and commemoration throughout the dedication ceremony. The dedication ceremony as a text presents the inescapable observation of two constitutive moves, celebration and commemoration, divided on the basis of race. Exploring this division requires treating race as central, as the focus of attention, or to borrow from Flores, treat race as “foundational to the work of rhetorical criticism.”⁴⁸

As Thomas K. Nakayama and Robert L. Krizek note, “the possibilities of human experience” function as “both barriers and bridges” to the expression of knowledge.⁴⁹ Whiteness, the historically dominant paradigm of power in the United States, “continues to influence the identity of those both within and without its domain. It affects the everyday fabric of our lives but resists sometimes violently, any extensive characterization that would allow for the mapping of its contours.”⁵⁰ Nakayama and Krizek assert that whiteness is a “rhetorical construction,” a

⁴⁷ Watts, “‘Voice’ and ‘Voicelessness,’” 185.

⁴⁸ Flores, “Between Abundance and Marginalization,” 6-7.

⁴⁹ Thomas K. Nakayama and Robert L. Krizek, “Whiteness: A Strategic Rhetoric,” *Quarterly Journal of Speech* 81 (1995), 291.

⁵⁰ Nakayama and Krizek, “Whiteness,” 291.

conclusion, they argue, that makes the influence of whiteness visible.⁵¹ Mapping the ways in which whiteness dominates public discourse elucidates its socially constructed power, but also opens up space for discourse that challenges universalizing moves, such as suggesting a dominant public memory stands in for all memories of an event.

With this critical approach to understand voices, I turn to understanding the expression of blackness and the ways in which voices can interrupt the neoliberal public sphere, giving life to the alterity of experience and naming something different than the dominant or nationalized legacy of *Brown v. Board of Education*. In his work on black public voice, Watts focuses on the rhetoric of W.E.B. DuBois, drawing heavily from DuBois' work articulating space for the black intellectual. Watts writes that:

DuBois understood powerful affects radiating out of that chasm, the 'strange fear' that white folk have when sensing the pain of black folk: 'Outside this physical shrinking which we have in common, comes the mental recoil - the disinclination to have our thoughts and ideas disarranged and upset. And still further on comes the moral dread of blame - of facing the man we have wronged and *hearing the hurt* from his own quivering lips.'⁵²

Watts explains that DuBois' articulation of dread, of guilt, of pain "was itself a

⁵¹ Nakayama and Krizek, "Whiteness," 293.

⁵² Watts, *Hearing the Hurt*, 24, n86, emphasis original.

function of an ailing social body... Experiencing pain, we are flung out of ourselves towards the other; and when we hear the hurt of others, we are magnetized and repelled.”⁵³ This expression, of pain and of different live(d) experience is what disrupts the seamless functioning of a neoliberal public sphere. Put more eloquently, Watts asks, having heard the “imperative resonance” of another’s voice, “What will you do? Will you flee or will you endure this sound?”⁵⁴ As a rhetorical interruption, or “call to conscience,” expression of voice(s) fosters plurality – the act of expressing a different experience and disrupts efforts to universalize the past.⁵⁵

But where do we go from here? How does this conception of voices move inquiries about race and memory forward? Asen argues that through the articulation of a public good where the “struggle for justice” happens “through coordinated action,” there is a possibility of contesting neoliberalism.⁵⁶ Albeit a first step, pluralizing experience, or hearing the hurt, can reshape legacies of the past in a manner that broadens representation. It is, however, a perpetual tension constructed at the 50th anniversary of *Brown* between celebration and commemoration, much like the discussions of race and racism across U.S. history and memory.

⁵³ Watts, *Hearing the Hurt*, 24.

⁵⁴ Watts, *Hearing the Hurt*, 24.

⁵⁵ Michael J. Hyde and Kenneth Rufo advance a theory about voice as rhetorical interruption and a “call to consciousness” in the context of right-to-die online forums. Here, I borrow from their work to motion to the jarring impact that “voice” can have in any context; see Michael J. Hyde and Kenneth Rufo, “The Call of Conscience, Rhetorical Interruptions, and the Euthanasia Controversy,” *Journal of Applied Communication Research* 28, no. 1 (2000): 1-23.

⁵⁶ Asen, “Neoliberalism, the Public Sphere, and a Public Good,” 331.

In order to read across the speeches, I organize this analysis thematically, first addressing the efforts to re-center whiteness in the public memory of *Brown* before engaging with the pluralizing discourse advanced by black voices. I conclude, however, that although some of the white speakers who advance a frame of unequivocal celebration may not have been influenced by black voices and efforts to pluralize the memory of *Brown*, their inclusion from a position of power and the multiplicity that *is* valued in the design phases of the *Brown v. Board of Education*. Or, as Asen argues, the reason “local engagements matter” as a site of resistance of the neoliberal public is the hope offered by this meaningful inclusion.⁵⁷

Dedicating the National Historic Site

Opening the National Historic Site called for a large, commemorative event, brimming with excitement, gratitude, and hope. A major ceremony, aligned with the 50th anniversary, positioned the *Brown v. Board of Education* National Historic Site as a place of “national significance.” As tourism management scholars Frost and Laing articulate, an “anniversary commemorative event” utilizes the date as a “form of authenticity,” justifying the organization of the event and its worthiness in the public sphere.⁵⁸ When domestic attention is directed towards such a site of national significance, it fosters a “sense of inclusion within the nation.”⁵⁹ An anniversary commemorative event, Frost and Laing assert, extends the power for the creation and

⁵⁷ Asen, “Neoliberalism, the Public Sphere, and a Public Good,” 344.

⁵⁸ Frost and Laing, *Commemorative Events*, 13.

⁵⁹ Frost and Laing, *Commemorative Events*, 28.

“maintenance of a collective national memory.”⁶⁰ Not only does such an event direct future (tourist) attention towards the site, but it solidifies a call for unity and adherence to national ideals and values.⁶¹ Although, as tourism scholars Maren Viol, Louise Todd, Eleni Theodoraki, and Constantia Anastasiadou note, “commemorative events tend to mark crucial dates instead of places in a community’s history,” the *Brown v. Board of Education* dedication ceremony combines these functions seamlessly.⁶²

The ceremony began with the ritual of the flag presentation and national anthem, followed by more songs and speeches. Before sixteen individual speakers took to the podium, the 16th Street Baptist Choir and Grammy-Award winning artist Michelle Williams sang, “Lift Every Voice and Sing,” a song widely regarded as the “Black National Anthem.” Following the presentation of the flag, audience members were instructed to be seated; yet notably, at the start of “Lift Every Voice and Sing,” a movement rippled across the crowd, prompting them to again stand – a show of respect for the rituals of African American culture. The auspicious occasion called for

⁶⁰ Frost and Laing, *Commemorative Events*, 29.

⁶¹ I am combining two elements of Frost and Laing’s summative categories of commemorative events, the national day and the anniversary. I am not suggesting that the *Brown v. Board of Education* anniversary is the same as the 4th of July in cultural prestige, but I do assert the 50th anniversary of *Brown* is analogous to the type of commemorative event associated with the nation’s birthday; for typology and discussion see Frost and Laing, *Commemorative Events*, 29-37.

⁶² Maren Viol, Louise Todd, Eleni Theodoraki, and Constantia Anastasiadou, “The Role of Iconic-historic Commemorative Events in Event Tourism: Insights from the 20th and 25th Anniversaries of the Fall of the Berlin Wall,” *Tourism Management* 69 (2018), 249.

an elite speaking line-up. The ceremony's speakers included officials from NPS and elected officials from Kansas, as well as Associate Supreme Court Justice Stephen Breyer and President George W. Bush. These figures joined together on the stage to proffer a vision of America grounded in the legacy of *Brown*: a national story that bonds the imagined community of the nation around the ideals of justice and equality.⁶³

However, there were two different American stories shared from the same podium on May 17, 2004. Instead of competing visions of American life, the speeches represented two experiences of Brown, co-existent and parallel to one another. Indicative of the deep racial divides that mar the ideal of equality in United States, these different constructions of *Brown's* legacy from white voices or black voices live in tension with one another throughout in the dedication ceremony as speakers entreat their audience to either commemorate or celebrate *Brown v. Board of Education*.

Construction of Parallel Frames of Memory

There are two different characterizations of remembering advanced during the dedication ceremony of the *Brown v. Board of Education* museum. At first blush, the frames of commemoration and celebration do not seem contradictory. However, as an important distinction (that I did not initially plan to read for), this tension between the

⁶³ "Imagined community" is a term advanced by Benedict Anderson in his work on nationalism. Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso Books, 1983).

two proved crucial to understanding the two conceptions of *Brown* conveyed to the audience by white and black voices. There are speakers who unequivocally invite the crowd to celebrate Brown and speakers who caution that celebration could never honor the legacy and sacrifice of the case. As I previewed earlier in this chapter, these representations divide along the basis of race, examining how these two frames interact and intersect help illuminate the attempts to nationalize or pluralize the legacy of *Brown*. There are often tensions associated with the act of remembering bound up in, to borrow John Bodnar's explanation, the process to "nationalize and centralize" memory.⁶⁴ For example, reformulating local considerations into a nationalistic framework, again according to Bodnar, was one of the primary results of the professionalization of the NPS in the 1930s, and proved a careful balancing act because national sites also hold value for regional pride or "stimulating local economic growth."⁶⁵ In other words, controversy associated with commemoration involves multiple possibilities, and in the case of the 50th anniversary of *Brown*, race is a central source of difference.

The most clear-cut distinction between celebration and commemoration came from Steve Adams, the superintendent of the *Brown v. Board of Education* NHS, who at the opening of the ceremony, articulates the differences between celebration and commemoration:

⁶⁴ John Bodnar, *Remaking America* (Princeton: Princeton University Press, 1992), 169.

⁶⁵ Bodnar, *Remaking America*, 169-70.

“Mothers, fathers, sisters, brothers, children, and grandchildren.

Welcome to your new *Brown v. Board of Education* National Historic Site... While we are here to celebrate the opening of this park, more importantly, we are here to commemorate the Fiftieth Anniversary of *Brown v. Board of Education*. As Professor [Will] Rogers has reminded us... he has stressed the word commemorate and we must renew our commitment to ensuring equal protection under the law is guaranteed by the 14th amendment, is provided for all of our citizens.”⁶⁶

While Adams acknowledges the ceremony as a form of celebration, he is careful to qualify the opening of the new site as secondary to the commemoration of the 50th anniversary of the case. As superintendent of the site, one would hope he was well-versed in the legacy of the *Brown* decision to be sensitive to the marginalized and dominant perspectives of public memory associated with the NHS; it is worth noting that Adams is the only white speaker to acknowledge the distinction, and by nodding to the information provided by his black colleague Will Rogers, he is honoring a commitment to make space for expressions of blackness.

The new museum complex positions *Brown* as a part of the larger story of American history, codifying the public memory of the case and educating good citizens. As discussed in the GMP and other planning documents, the federal interest in preserving the Monroe school was to add *Brown* to the national memory landscape

⁶⁶ “*Brown v. Board of Education* Site Dedication,” CSPAN, (00:08:10).

and inform citizens about ideas of justice and equality. Nationalizing public memory relies on the frame of celebration, which centers whiteness and homogeneity of memory. Celebration promotes cohesion to a particular approach, centering on “jubilation” as the primary reason for coming together to remember. Celebration creates a public memory of simplification, calling out to the “official” representation of the past to teach the populous about their shared heritage and duty to the future. Speakers who advance the frame of celebration are enacting the traditional, old-guard role of memory work. In other words, celebration is the memory work of nationalism. Conversely, commemoration creates space for inclusive and diverse presentations of public memory, opening up a pluralistic vision of the past which invites vernacular remembrances into the conversation. In contrast, speakers who advance commemoration represent the nuanced memory work that promotes a range of emotions and public memory approaches to remembering. Commemoration is the memory work of region-making.

Although marking the same historical event, speakers invoke one of two frames: celebration that re-centers whiteness or commemoration that explicitly resists the frame of celebration and expresses a marginalized voice in society and in public memory. Douglas Powell’s critical regionalism focuses on “this kind of situation, this kind of place, this kind of contradictory moment where something unique and isolated seems to be going on, but something else – something complex and

interconnected – is also happening.”⁶⁷ Even though Superintendent Adams cautions about the differences between celebration and commemoration, the dominant discourse about public memory of *Brown* promotes adherence to nationalistic ideals of equality and justice, seemingly uninfluenced by the 50 intervening years of educational inequities and racial inequalities.

Nationalizing Discourse via “Celebration”

Constituting identity, nationally or otherwise, often requires navigating competing interests. In this case, accounting for the American discomfort discussing race means dominant memory discourse favors a colorblind narrative over meaningful engagement with past injustices.⁶⁸ In a way, the efforts to nationalize *Brown* at the 50th anniversary reflects *Brown v. Board of Education* itself, which is a story of the consolidation of cases by the Supreme Court and the coalescence of a single identity around one family’s name. The frame of celebration seeks to unify, to promote a national identity for the audience, and construct a narrative with broad

⁶⁷ Douglas Reichert Powell, *Critical Regionalism: Connecting Politics and Culture in the American Landscape* (Chapel Hill, The University of North Carolina Press, 2007), 18.

⁶⁸ For example, John B. Hatch engages with *Letters*, a dialogic rhetoric specifically about discussing race in interpersonal settings. In the book, the authors acknowledge their discomfort and the difficulty they feel discussing “race – even in a personal letter.” John B. Hatch, “Dialogic Rhetoric in Letters Across the Divide: A Dance of (Good) Faith toward Racial Reconciliation,” *Rhetoric & Public Affairs* 12, no. 4 (2009): 485-532.

appeal.⁶⁹ I have organized the celebration of *Brown* at the 50th into three overarching themes: praise for the accomplishment, the official retelling of *Brown*, and Kansas' contribution to the nation. The first of these themes, praise, typifies the frame of celebration well. Many white speakers praise the accomplishment of *Brown*, citing its enormous impact on remaking life in the United States.

Referring to “these 50 years of working together,” Congressman Jim Ryun offer messages of unity, likening the *Brown* decision to the victor's laurel wreath, not an official's starting gun.⁷⁰ This language of unity, as Bodnar characterizes it, proves a “powerful metaphor” to stimulate national loyalty.⁷¹ Praise for *Brown* comes from President Bush, who says that although “America has yet to reach the high calling of its own ideals... we're a nation that strives to do right. And we celebrate a milestone in the history of our glorious nation.”⁷² Director of the National Park Service, Fran Mainella, celebrates “another step along the path” towards the creation of “one national system of parks representing the soul of America.”⁷³ This expression of *Brown* as one of many potential accomplishments, of pride in the milestone, even if

⁶⁹ Celeste Condit's theorizes epideictic pairs; also discussed in more depth in Chapter 4; see Celeste Condit, “The Functions of Epideictic: The Boston Massacre Orations as Exemplar,” *Communication Quarterly* 33(1985), 289.

⁷⁰ “*Brown v. Board of Education* Site Dedication,” CSPAN, (01:01:27).

⁷¹ Bodnar, *Remaking America*, 16.

⁷² George W. Bush, “Remarks by the President at Grand Opening of the Brown v Board of Education National Historic Site,” *White House Archives*, May 17, 2004, <https://georgewbush-whitehouse.archives.gov/news/releases/2004/05/20040517-4.html>.

⁷³ “*Brown v. Board of Education* Site Dedication,” CSPAN, (00:13:56).

the journey is not yet complete, is also advanced by Secretary of the Interior, Gale Norton, who reminds the audience that national parks can both recall painful history and celebrate “diversity of accomplishment.”⁷⁴ With further praise for the accomplishment of *Brown* as relieving the “plight of innocent schoolchildren constrained by racial segregation,” Norton imparts a vision of the NHS that “will help inform all who visit that freedom, justice, and equality are indivisibly one.” Reflecting the language of the national pledge, Norton crafts a nationalistic message of praise, of championed values that have been bestowed upon Americans.

Consistent with a dominant and neoliberal perspective on racial relations, several speakers also praise the *Brown* decision for delivering a colorblind present. For example, Kansas Governor Kathleen Sebelius connects *Brown v. Board of Education* to a colorblind Constitution when she paints a picture where your life is on the line and “immediate surgery is your only hope... does it matter whether the hand that holds the scalpel is black or white or brown?”⁷⁵ She goes on to list critical, routine members of communities, postal carriers or teachers, all individuals, none of whom are defined by the color of their skin. “That’s the vision of *Brown vs the Board*

⁷⁴ See “*Brown v. Board of Education* Site Dedication,” CSPAN, (00:33:22); Norton cites “battles between Indian tribes and Calvary” as another example of the NPS’ strong commitment to diversity, however, there is some consensus that those sites do a poor job of exploring such conflicts from anything other than a federal/American exceptionalism perspective. “*Brown v. Board of Education* Site Dedication,” CSPAN, (01:29:27). One might also take issue with Norton’s characterization from the information that Robert Stanton, the director of the AAEF for the NPS, includes in his speech – that there are only 18 sites across the country that celebrate African American heritage specifically.

⁷⁵ “*Brown v. Board of Education* Site Dedication,” CSPAN, (01:39:28).

of Education,” she continues, “opportunity for all, regardless of the color of one’s skin.” By distilling a historical and systemic racism into the myth of colorblindness, Sebelius casts *Brown* as the antidote to racism. However, in the words of Michelle Alexander: “Racial caste systems do not require racial hostility or overt bigotry to thrive. They need only racial indifference.”⁷⁶ Contrary to this characterization by Sebelius, the *Brown* decision is “deeply race-conscious,” for as David Strauss argues, the “prohibition against discrimination established by *Brown* is not rooted in colorblindness at all.”⁷⁷

Sebelius is far from the only white speaker to adopt a colorblind approach to celebrating *Brown*. Based on traditional totalizing efforts to define public memory, it is not surprising that the nationalization of *Brown* would coincide with attempts to advance a post-racial discourse. Whereas Sebelius offered a hypothetical, other speakers simply relegate racism to the past. Congressman Ryun states that “this building and what it represents... symbolized a part of our past and the bright future that is for us as we look for equality in education.”⁷⁸ Ryun’s speech idealizes the search for equality, but in it he fails to address the *lack of equality*. Similarly, Senator Sam Brownback mentions that the last 50 years has been a journey away from “the hate and division of segregation,” but does not speak of continued systemic struggles

⁷⁶ Alexander, *The New Jim Crow*, 14.

⁷⁷ David A. Strauss, “The Myth of Colorblindness,” *The Supreme Court Review* (1986), 100.

⁷⁸ “*Brown v. Board of Education* Site Dedication,” CSPAN, (01:00:39).

in the present.⁷⁹ As Alexander notes, Martin Luther King, Jr. (who Brownback quotes extensively in his speech), warned that “blindness and indifference to racial groups” is more detrimental than “racial hostility.”⁸⁰

Although many speakers adopt the frame of celebration, Kansas Republican Senator Sam Brownback offers the most explicit example of celebration as an “official” retelling of civil rights lessons, as he understands them through the lens of dominant memory discourse, or what Nakayama and Krizek term “universality and invisibility.”⁸¹ Brownback opens his speech by welcoming the rest of the country to the “well-kept secret of Topeka, Kansas,” proclaiming “What a great place! What a great occasion and what a great celebration!”⁸² Unfazed by recent media reports about a lack of equity in education, studies concerning re-segregation across the country, or data supporting the detrimental impact of a race-based achievement gap, Sen. Brownback heralds *Brown* as a triumph over racism. Championing a journey of personal responsibility and quoting Dr. Martin Luther King, Jr., Brownback asserts that Dr. King’s vision of “a beloved community, one state and nation at a time repenting of their past and building new relationships based on righteousness and justice and opportunity for all of god's children” can only be achieved by looking into “your heart.”

By emphasizing the individual, Brownback enacts a neoliberal vision of a

⁷⁹ “*Brown v. Board of Education* Site Dedication,” CSPAN, (01:02:32).

⁸⁰ Alexander, *The New Jim Crow*, 241.

⁸¹ Nakayama and Krizek, “Whiteness,” 300.

⁸² “*Brown v. Board of Education* Site Dedication,” CSPAN, (01:02:32).

world hinged on individual action, not systemic racism. For Brownback, Dr. King's vision of a "destination" is attainable by personal choice. Brownback's speech celebrates *Brown* as "the end of segregation" and his justification for "celebrating" *Brown* amounts to a shallow application of Dr. King's words and betrays the lessons of the Civil Rights Era, framing the decision as a "victory." If racism and civil rights are based in individual liberty, as explained by Brownback (among others), then *Brown* eliminated any struggle for equality post-1954. With his speech, Brownback adopts the strategic rhetorics of whiteness, conflating the American preference for neoliberalism and individual liberty as the legacy of *Brown*. As Nakayama and Krizek articulate, "to conflate nationality and 'race' is an expression of power since it relegates those of other racial groups to an [sic] marginal role national life."⁸³ Celebration is marked by jubilation, praise for a job accomplished. If it was an achievement of equality, the *Brown* decision *would* constitute a victory, and whereas the decision itself *did* mark a major milestone for the NAACP, the material considerations for obtaining and maintaining equality thoroughly lagged behind. With highly public clashes like the Little Rock Nine attempting to enter Central High School in 1957 or the boycotts and sit-ins of the Civil Rights Movements during the 1950s and 1960s, a continued denial of struggle is an instantiation of whiteness and power.⁸⁴ In this way, white speakers who constitute *Brown* as a triumph, and the

⁸³ Nakayama and Krizek, "Whiteness," 301.

⁸⁴ Whiteness can also be explained as Marilyn Frye does: "What this can mean for white people is that we are not white by nature but by political classification." As quoted in Nakayama and Krizek, "Whiteness," 294.

anniversary as a celebration, perpetuate the very system that the NHS and museum aim to push against.

The second prominent theme among white speakers is to repeat the “official,” simplified version of nine-year-old Linda Brown’s “long walk” to school. Secretary Norton’s speech is emblematic of this typical narrative:

There was a white elementary school, only seven blocks away, but a third grader named Linda Brown had to walk a mile through a railroad switch yard to get to her black elementary school. She had no idea her journey would mean so much to history and to the reshaping of America. Today, we dedicate a national park site that focuses on a landmark event in our nation's history by highlighting the plight of innocent schoolchildren constrained by racial segregation.⁸⁵

This version of events, emphasizing the plight of Linda Brown is also the primary retelling in the press coverage leading up to the anniversary. This narrative preserves the innocence of childhood and argues against the simple inconvenience of segregation, instead of engaging with racism or race. Not only does official version obscure the complexities of the five litigated cases and the ingenuity of the NAACP’s legal strategy, it collapses the hard work of activism into the “indignity of distance.”⁸⁶

⁸⁵ “*Brown v. Board of Education* Site Dedication,” CSPAN, (01:28:10).

⁸⁶ Slate writer Matt Polly uses this phrase in his interview with the LaTonya Miller, a public affairs specialist from NPS, and she corrects him. I think “indignity of distance” is a telling phrase that stands in for the official version of memory well because it assumes that it was the fact that Linda Brown had to walk too far to school

By glossing over the differences in the structure of Kansas' system (permissive segregation) and decontextualizing the role of Oliver Brown as one of 13 plaintiffs in Topeka – and one of hundreds overall – “the long walk” reaches for the lowest common denominator, eliding more meaningful opportunities to contend with race and equality.

The irony of the simplified narrative is that in a different era, before the convention in museums was to democratize representation, this “official” version of Linda Brown’s experience might have been the only perspective displayed in the building behind them. Even as even as these speakers praising *Brown* as ushering in a post-racial paradigm stand before the building and proclaim its agenda-setting power for public memory, the repetition of the simplified story undermines the work of the museum. This portrayal of the history of *Brown* acknowledges that inequality existed but cannot adequately convey the hard work associated with correcting the ills of segregation. Because although the displays inside the *Brown v. Board of Education* museum might have re-inscribed these same, typically nationalized, hegemonic representations, they did not. The museum carefully planned and presented an evolved experience, offering exposure to vernacular representations, and sometimes controversial ideas. For example, the orientation video for visitors challenges the stereotypical ways that the African American experience is told through “exceptional” individuals and heroism – the same essentialism that is perpetuated in

that was the injustice worth correcting, not that she was segregated for the color of her skin. Matt Polly, “Brown Revisited,” *Slate*, May 3, 2004.

the simplified “long walk” narrative of Linda Brown’s journey to Monroe through the railroad switchyard. This dichotomy illustrates both the need for the interpretive site and for examining the gulf between the legacy of Brown as a pathway to racial equality or the last need to mention of race in American discourse.

The final theme touted by speakers advancing the frame of celebration is the crucial role of the heartland in Brown’s legacy. As such, the investment of significant resources cannot be overlooked as a motivation for elevating the role of Kansas in *Brown v. Board of Education* public memory. Although the 50th anniversary marks the passage of time, it also introduces a *new* tourist destination – a place, imbued with meaning as a site to visit. Traveling to the site is repeatedly positioned as a critical action to learn about American history, and the commemorative anniversary event serves to solidify this association in the minds of the nation.⁸⁷ As Secretary Norton says: “We welcome everyone, from every walk of life, to visit our parks, to better understand how others overcame adversity and how our constitution joins our diversity into the nation that makes us proud to be Americans.”⁸⁸ Through the ceremony, Americans are also invited “to learn about America’s great heritage” by Director Mainella and reminded that the “here” of the museum is uniquely associated with Topeka and with Kansas’ history as a free-state by the president of the Trust For

⁸⁷ Frost and Laing discuss the potential for “smaller places to use the national day to leverage tourism benefits;” so while some commemorative events mark an achievement, others may capitalize on the spectacle as an opportunity to promote travel to their region. Frost and Laing, *Commemorative Events*, 33-4.

⁸⁸ “*Brown v. Board of Education* Site Dedication,” CSPAN, (01:29:26).

Public Lands, Will Rogers.⁸⁹ This final theme does represent a bit of departure from race as the primary identifier for speaker experience, however, as might be expected when addressing state or regional identity, the geographically bounded community takes precedent as the driving factor for celebrating Kansas' place in the United States. Identities are intersectional therefore Kansans, both black and white, may choose celebration as a possible motivation and still maintain other aspects of *Brown's* legacy.

Geographically, Kansas sits in the center of the country, but I speak from personal experience when I say that practically, Topeka is not an easily accessible destination. Before the dedication, Topeka Mayor James McClinton estimated the attendance numbers would be 150,000 annually. The city pumped considerable volunteer hours and money (\$1.8 million) into sprucing up the neighborhood around the NHS.⁹⁰ In the run up to the dedication ceremony, the *Associated Press* featured the new site as a destination in Kansas alongside other tourist experiences.⁹¹ In 2004, Kansas' Travel and Tourism Office launched a campaign to get residents to stay in Kansas for their summer travels, connecting the major Kansas milestone anniversaries as key points in their summer tourism plan – in addition to giving away

⁸⁹ “*Brown v. Board of Education* Site Dedication,” CSPAN, (00:15:54), (00:30:18).

⁹⁰ “Volunteers Eager to Clean up Homes Around Landmark Topeka school” *Associated Press*, March 10, 2004.

⁹¹ “CYBERTRIPS: Visit Kansas for 150 Years of History with an Old West Flavor,” *Associated Press*, April 5, 2004.

a new car as incentive.⁹² Kansas' heritage, and their heritage tourism industry, is also bound up in narratives of the Old West. Cheryl Brown Henderson drew on the "pioneer" trope during her speech to praise the tenacious actions of African Americans in Topeka.⁹³ As Bodnar suggests, appealing to "ordinary people," the midwestern idea of the pioneer was connected to ancestors as the "defenders of vernacular culture" who "overcame hardships."⁹⁴ Like Frederick Turner's frontier thesis, pioneers forged the concepts of democracy, by persevering under adverse circumstances to strengthen the ideals of American exceptionalism. Kansas exhibits dueling identities as both the rugged heartland prairie of yesterday and progressive home front for equality. Celebrating Kansas' contribution to the nation naturalizes the state's place as the focal point for the public memory of *Brown*. The anniversary directs a national gaze towards Topeka, presenting an opportunity to distinguish their contributions as more important than the other regions associated with the consolidated cases.

The NHS thrust Topeka center stage, and speakers associated with Kansas utilized the opportunity of the 50th anniversary and dedication ceremony to situate the *kairotic* occasion of *Brown*'s anniversary against the *chronotic* history of Kansas' "free-state," anti-slavery legacy. Kansas speakers celebrate their heartland status and progressive identity through the ceremony. The audience is welcomed to "the best

⁹² "Half-century Later, Are Schools More Separate or More Equal?" *Associated Press*, April 28, 2004.

⁹³ "*Brown v. Board of Education* Site Dedication," CSPAN, (00:21:50).

⁹⁴ Bodnar, *Remaking America*, 17.

capital city in these United States” by its first African American mayor, James McClinton.⁹⁵ Brown Henderson recounts Kansas’ long legal battles, praising the commitment of black Topekans who were “central to the movement” of desegregation and the pursuit of racial equality. *Brown* was litigated “70 years after the first Kansas case was filed, (1881) *Tinnon V. Ottawa School Board*,” she tells the audience, emphasizing the tenacity of their forebearers.⁹⁶ Gov. Sebelius leads the crowd to cheers with “What a great day to be a Kansan!” and Sen. Brownback calls Topeka a “place of good change.”⁹⁷ As the new home to a *lieux de memoire*, Kansas speakers celebrate Topeka for its commitment to protect the ideas of equality and continued access to education. The nationalism of *Brown* at the 50th becomes a time to instill pride and reaffirm desirable values as Kansans, elevating their status and role in the national imaginary.

The nationalization of *Brown v. Board of Education* emphasizes the “sameness” of all Americans. The limelight, though, will not shine on Kansas forever; thus, the anniversary commemorative event offers a chance to elevate Topeka to be remembered as a destination. Specifically, as Frost and Laing theorize, they must articulate for potential tourists, the economic drivers of redevelopment and progress, why visiting Kansas is worthwhile.⁹⁸ By defining Kansas’ history as progressive, the Kansas-centric speakers in the ceremony do not rebuke their place in

⁹⁵ “*Brown v. Board of Education* Site Dedication,” CSPAN, (00:45:22).

⁹⁶ “*Brown v. Board of Education* Site Dedication,” CSPAN, (00:20:30).

⁹⁷ “*Brown v. Board of Education* Site Dedication,” CSPAN, (01:38:36), (01:02:32).

⁹⁸ Frost and Laing, *Commemorative Events*, 28-9.

the larger national fabric, rather they herald their position as frontrunners in the fight for equal rights for African Americans. This approach suggests that the identity of Topeka stems from its early commitments to equality for all people, not the 100 years of pre-*Brown* lawsuits or city's first African American mayor, appointed just the year before.⁹⁹ Preserving the Monroe School as "the symbolic epicenter of the desegregation movement" creates a tension for residents of Kansas.¹⁰⁰ To be the vanguard of school desegregation requires an admission of the ills of segregation and the history of poor treatment of African American citizens. For all the moves at the 50th to situate Kansas in the legacy of their free-state heritage, at best Kansas boasts a mixed record on race.

The emphasis on Kansas history means there is little to no mention of the other four cases decided alongside *Brown*. Whereas the museum itself interprets the other cases, the general thrust of the ceremony is to draw attention to the plains of Kansas, and specifically to the Monroe School in Topeka.¹⁰¹ The history of *Brown* is

⁹⁹ 42 candidates applied to be Topeka's mayor in 2003, after the elected mayor was suspended from his office follow allegations of campaign finance violations and later resigned. James McClinton, a government administrator and former Topeka City Council member, was appointed by the City Council. He did not run for election as mayor in 2005; see Jon Hanna, "City Council to Pick New Mayor for Topeka After Resignation," *Associated Press*, December 10, 2003; John Milburn, "City Council to Pick New Mayor for Topeka After Resignation," *Associated Press*, November 7, 2003; "Former Council Member Picked to Succeed Felker as Topeka Mayor," *Associated Press* December 31, 2003.

¹⁰⁰ Douglas and Fitzgerald, "Bush, Kerry Mark 'Brown'; The 50th Anniversary," *Philadelphia Inquirer*.

¹⁰¹ The speeches all focus on Topeka, but as Steve Adams told *Education Week* in an interview, "when all the exhibits are in place, visitors will get a sense of the history of all five cases. 'We never discussed that this was just going to be about Topeka,' Mr.

marked by consolidation and with the five cases collapsed under the moniker *Brown v. Board of Education*, this first consolidation sets the tone for an easy nationalization under the Topeka-*Brown* relationship, even if it was only originally an idiosyncrasy. Symbolically, then, the Brown family function as “reluctant icons,” controlling their image through the institutionalization of the case and the work of Cheryl Brown Henderson and her Brown Foundation.¹⁰² The result is a nationalized, public image of one family, one case, in one place.

The tenor of the ceremony oscillates between celebration and commemoration. Evident in celebration of *Brown*, and bolstered by nationalism, strategies of whiteness and universality are affirmed within the “celebration” frame. As Asen argues, “neoliberalism’s emphasis on individual responsibility renders race as an antiquated category and racism a problem of the past,” a claim advanced by speakers who promote celebration.¹⁰³ In the dedication ceremony for the *Brown v. Board of Education* NHS, however, black speakers articulate a frame of commemoration as an alternative to celebration, and successfully pluralize the typically totalizing discourse of celebration.¹⁰⁴ This democratizing influence of

Adams said later. ‘It isn’t just about one little girl.’” Mark Walsh, “Topeka Museum Captures Brown Legacy,” *Education Week*, April 7, 2004, <https://www.edweek.org/ew/articles/2004/04/07/30brown.h23.html>.

¹⁰² “The Cases; Selected Commemorations,” *The New York Times*, January 18, 2004, 4A; Monica Davey, “The Cases; Reluctant Icons,” *The New York Times*, January 18, 2004, 4A.

¹⁰³ Asen, “Neoliberalism, the Public Sphere, and a Public Good,” 338.

¹⁰⁴ As the sole white speaker framing a distinction, I argue that Adams, who is white but invokes the experience of his African American colleagues, is practicing the reflexivity that Nakayama and Kerzik promote in their conclusion about ways to

including black voices and experiences incorporates a multiplicity of perspectives, namely an acknowledgment of continued segregation and the unfulfilled promise of *Brown*. Black voices during the ceremony offer commemoration as an alternative to celebration, illustrating “how persons are invited to or prohibited from experiencing the lives of speakers.”¹⁰⁵ These voices remind the audience that they cannot remember *Brown* without the specter of race, given that the case is literally about racial classification.¹⁰⁶

However, the inclusion of black voices does not automatically guarantee a meaningful engagement with race as a productive rhetorical resource. As bell hooks articulates in the opening of *Talking Back*, the “fear of speaking” can prevent a rhetor from using a liberated voice.¹⁰⁷ She writes “when I thought about audience - about the way in which the language we chose declares who it is we place at the center of our discourse - I confronted my fear of placing myself and other black women at the speaking center.”¹⁰⁸ A speaker’s choice to alter “the speaking center,” or the acknowledgement of relationships other than those recognized by a neoliberal public sphere, ultimately pluralizes public discourse. Black voices who advance a frame of commemoration do the rhetorical work of what bell hooks describes as speaking out

elucidate and confront the boundaries of whiteness. Nakayama and Kerzik, “Whiteness,” 304.

¹⁰⁵ Watts, “‘Voice’ and ‘Voicelessness,’” 193.

¹⁰⁶ Flores, “Between Abundance and Marginalization,” 13.

¹⁰⁷ bell hooks, *Talking Back: Thinking Feminist, Thinking Black* (Boston: South End Press, 1989), 15.

¹⁰⁸ bell hooks, *Talking Back*, 15.

against injustice and an end to domination, sometimes as an interruption and sometimes as an invitation.

During the 2004 ceremony, the black voices distinguish between discourses of commemoration and celebration, but the dominant discourse of whiteness praises *Brown* as though the decision amounts to an absolution of guilt. As a part of the dominant memory discourse, if Brown forever changed the landscape by outlawing segregation, white voices largely herald it as worthy of celebration. In contrast, commemoration makes space for sacrifice and perseverance, of “not yet” and a rhetoric of patience that is emblematic of W.E.B. DuBois’ double-bind of being both black and American – acutely aware of the contradictions in the promise of equality.¹⁰⁹

Of course, Brown *did* change the laws of the nation, but the inability of white speakers to separate commemoration from celebration in the dedication ceremony prevents them from addressing *all* American citizens. Instead, speaking from the dominant cultural position, the white speakers render race invisible in favor of an integrated, colorless society that holds Brown up as the turning point for change. This is the paradox of neoliberalism in public memory: official culture can dominate

¹⁰⁹ DuBois describes the double-bind, or double-consciousness, as double consciousness” as follows: “It is a peculiar sensation, this double-consciousness, this sense of always looking at one’s self through the eyes of others, of measuring one’s soul by the tape of a world that looks on in amused contempt and pity. One ever feels his two-ness, an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body.” W.E.B. DuBois, *The Souls of Black Folks* (New York: Dover Publications, 1903), 2-3. See also encyclopedic entry of this concept, “Double Consciousness,” *Stanford Encyclopedia of Philosophy*, <https://plato.stanford.edu/entries/double-consciousness/>.

difference, but it cannot exist without acknowledging it.¹¹⁰ Celebration notes the *Brown* decision as the watershed moment from which point every racial wrong was made right. Commemoration allows for nuanced representations of the past, of both joy and pain – sometimes simultaneously. Not all white speakers identify a frame of celebration, but all those who entreat the audience to unequivocally celebrate *Brown* are white. This is a function of the dominant discourse of whiteness. There is another frame shaping the legacy of *Brown* at the 50th, and as such, commemoration can be understood as resisting the totalizing influence of celebration.¹¹¹

Inclusion Through Commemoration

Commemoration allows space for a range of emotions and therefore promotes a larger range of remembrance *topoi*. In contrast to a celebration frame, speakers offer different visions of what commemorating the *Brown* decision looks like. While celebration more narrowly privileges jubilation, commemoration can embody polysemous forms, or even be bound up in competing instances. Bodnar argues that commemorations, particularly nationalistic ones, are “inevitably multivocal” and “contain powerful symbolic expressions... that give meaning to competing

¹¹⁰ Bodnar, *Remaking America*, 169.

¹¹¹ Nakayama and Kerzik assert that reflexivity by whites can work against the invisibility and universality that affords power to whiteness. “Thus,” they write, “the white ‘social practice’ of not discussing whiteness is especially disturbing.” Hence, I offer praise here for steps in the dedication and the *Brown v. Board of Education* museum that take steps towards discussing and expressing race in meaningful ways. Nakayama and Kerzik, “Whiteness,” 303.

interpretations.”¹¹² Sociologist Vered Vinitzky-Seroussi defines “multi-vocal commemoration” as remembrances centered on “shared space, shared time, or shared text that carries diverse meanings and thus can be peopled by groups with different interpretations of the same past.”¹¹³ Similar to how communities bring a local or regional lenses to national memories, commemorations often rely on people or places with firsthand knowledge to construct meaning.¹¹⁴

In some cases, commemoration can help a culture account for a traumatic past. In others, commemoration attempts to honor exceptional qualities valued by a society. As Barry Schwartz defines it, “commemoration lifts from ordinary historical sequence those extraordinary events which embody our deepest and most fundamental values.”¹¹⁵ Generally, commemoration opens wide the possibilities for what Christina R. Steidl explains as the constant need to “reconcile historical events, which are fixed, with meanings that fluctuate.”¹¹⁶ Celebration, focused exclusively on joy and pride, does not permit the variety of approaches the way that commemoration does. Diane Barthel, borrowing from Kenneth Burke’s *Attitudes Towards History*, refers to the agenda-setting power of the professional class who have taken charge of

¹¹² Bodnar, *Remaking America*, 16.

¹¹³ Vered Vinitzky-Seroussi, "Commemorating a Difficult Past: Yitzhak Rabin's Memorials," *American Sociological Review* 67, no. 1 (2002), 31.

¹¹⁴ Bodnar, *Remaking America*, 16.

¹¹⁵ Barry Schwartz, “The Social Context of Commemoration: A Study of Collective Memory,” *Social Forces* 61, no. 2 (1982), 377.

¹¹⁶ Christina R. Steidl, “Remembering May 4, 1970: Integrating the Commemorative Field at Kent State,” *American Sociological Review*, 78 (2013), 750.

interpreting collective memories. She writes, that the “symbolic bankers” establish the parameters of historic preservation or “the range of strategies by which historic structures are maintained, managed, and manipulated.”¹¹⁷ Investigating commemoration of *Brown* advanced by black voices, then, can help to illuminate those ways in which “symbolic bankers” continue to exert power and those places in which their agenda is bankrupt. Thus, it is crucial to interrogate the constitutive nature of commemoration practices, at both the national and regional levels, to determine how and for whom they are shaping identity.

During the ceremony, black speakers consistently articulate *Brown* as a journey that has not yet ended, signaling a need to commemorate the decision without celebrating it. Black speakers during the ceremony are the Rev. Fred Shuttleworth, Robert Stanton, Rod Paige, Will Rogers, Elijah Cummings, James McClinton, and Cheryl Brown Henderson. These speakers represent a multi-generational line-up, who come from different backgrounds, locations, and who express varying degrees of personal and professional connections to *Brown*. Although only seven of the sixteen speakers on May 17, 2004 were African American, they represent a meaningful inclusion of black voices in the formal space of memory. By expressing blackness through their personal lived experience and/or the larger struggles and gains in the black community, these speakers provide a counter-weight to the simplified “long walk” official memory of *Brown*. Resisting the nationalized story and the neoliberal

¹¹⁷ Diane Barthel, “Getting in Touch with History: The Role of Historic Preservation in Shaping Collective Memory” *Qualitative Sociology*, 19, no. 3 (1996), 346.

erasure of black speakers gives life to African American culture and expands public memory of Brown to reflect uniquely black experience. The inclusion of black voice does more than confirm the NHS as a space for learning about African American history, it invites an African American audience into a partnership with the space.

Even Cheryl Brown Henderson, standing before the site that represents the fruits of her labor for the last decade, does not define the day as a celebration. Instead, she characterizes the finished NHS as a “dream realized,” preserving the memory of Brown in the Monroe School at a “permanent commemorative place” to function as a “living legacy.”¹¹⁸ For her, commemorating Brown requires situating her family in the context of a larger narrative about Kansas and segregation. Because commemoration is a pluralizing frame, thematic organization of the speeches does not contribute much to the overall understanding of the contributions of black speakers. Instead, this section engages with the role of anecdotes as a rhetorical resource used by black voices during the ceremony to impart struggle, define current problems, and reflect on the future.

Speaking on behalf of the Congressional Black Caucus, Congressman Elijah Cummings of Maryland explicitly explains how a frame of celebration alone is incomplete: “I also come with a challenge... to realize that we must work every day to bring life and to breathe life into the Brown decision... It is not enough to celebrate.”¹¹⁹ The mayor of Topeka James McClinton also directly distinguishes

¹¹⁸ “*Brown v. Board of Education Site Dedication*,” CSPAN, (00:18:20)

¹¹⁹ “*Brown v. Board of Education Site Dedication*,” CSPAN, (00:52:04).

between the two frames, saying “Topekans do not celebrate these events, but we do commemorate this event for we know what we need to do in the years to come.”¹²⁰ Balancing the accomplishment of the museum space with the 100-year old struggle to integrate the schools in Kansas, Brown Henderson explains that the “campaign to establish a permanent interpretive site” resulted in a “journey of discovery.”¹²¹ She condemns the “media myth” of one family standing alone, instead characterizing her family and the others in the original 1951 suit as “pioneers” who forged ahead, together. Brown Henderson widens the scope of remembering the case commemorating the context and contributions of more than just one. Although she bears a deep personal connection to the case, she utilizes pre-Brown history to situate the case in connection with African Americans, especially Kansans, who have been tirelessly fighting for equality in education for more than 100 years. While the national discourse seeks to focus on the Brown family, Brown Henderson speaks in support of widening the honor to include all the families who were plaintiffs in such cases.

Dennis Hayes of the NAACP captures the goals of commemoration in the closing of his speech: “If we are honest with ourselves, we must feel compelled to ponder as well, the challenges still before us and our failure to satisfy the rising expectations borne out of that great court decision.”¹²² He continues: “So let us

¹²⁰ “*Brown v. Board of Education Site Dedication*,” CSPAN, (00:47:57).

¹²¹ “*Brown v. Board of Education Site Dedication*,” CSPAN, (00:20:30).

¹²² “*Brown v. Board of Education Site Dedication*,” CSPAN, (00:39:41).

commemorate the 50th anniversary of Brown by reflecting on the lessons we have learned, the opportunities we have lost, and by still pondering the possibilities.” Hayes’ characterization of loss and future possibilities embodies the multivalent and productive strains of commemoration. Hayes, particularly as a representative of the NAACP, situates a range of experience that African Americans have in dealing with *Brown* and its effects, affirming difference and expanding contributions to collective memory.

In this dedication ceremony, a call for “commemoration” fosters inclusivity and welcomes pluralistic stories about everyday experiences. As a more vernacular form of remembering, anecdotes provide an opportunity for identification, which might otherwise be unavailable to the speaker based on characteristics, such as age or race. Anecdotes are powerful rhetorical devices for their capacity “to personalize” larger ideas and make arguments rather than generalizations.¹²³ Although anecdotes can come from a speaker’s own experience, often an anecdote involves telling someone else’s story to create new connections, appealing to similarities that foster identification. As Christopher Oldenberg and Michael Leff argue, anecdotes are “a common and thoroughly familiar instrument” in American political discourse, allowing the speaker “rhetorically productive ambiguity.”¹²⁴

¹²³ Christopher Oldenberg, “Re ‘Characterizing’ the Anecdote: Synecdoche and Ethotic Argument in Presidential Debate Rhetoric,” *Communication Studies* 66, no. 1 (2015), 104.

¹²⁴ Christopher Oldenburg and Michael Leff, “Argument by Anecdote,” OSSA Conference (2009), 2-3, https://scholar.uwindsor.ca/cgi/viewcontent.cgi?referer=https://scholar.google.com/sc_holar?hl=en&as_sdt=0%2C21&q=Christopher+Oldenburg+and+Michael+Leff%2C+

Some anecdotal references during the ceremony are personal, such as those shared by James McClinton, the first African American Mayor of Topeka, and Robert Stanton of the African American Experience Fund. Both black men, they each directly attribute their opportunities and successes to the Supreme Court's 1954 decision. As officials and invited speakers, their physical presence on the platform signals the power of *Brown*; however, they both are careful to qualify their personal success with the acknowledgement of the hard work yet to be done. "Seven years after the *Brown v. Board of Education* decision," McClinton says, "I was born. That same year, Oliver Brown passed away."¹²⁵ Connecting his personal story to the *Brown* case, he continues, they "paved the path that enables me to stand here today as a mayor... I am a testament that their sacrifice was worth it." Bridging his success with a journey incomplete, McClinton discusses the inequality in his city of Topeka, as well as lack of funding for arts programs and teachers' salaries. Sharing his "personal gratitude" for the plaintiffs who paved his way, Stanton says that "as a product of a segregated public school system, [in] my native state of Texas, I can personally I can personally attest to the impact of this decision."¹²⁶ In both cases, by drawing upon their personal experiences they are able to testify personally to the power of the *Brown* decision and express that same personal connection with the education and equality that still eludes African Americans. These two black voices

["Argument+by+Anecdote%2C"+OSSA+Conference+%282009%29%2C+2-3.+&btnG=&httpsredir=1&article=1205&context=ossaarchive.](#)

¹²⁵ "*Brown v. Board of Education* Site Dedication," CSPAN, (00:45:22).

¹²⁶ "*Brown v. Board of Education* Site Dedication," CSPAN, (00:32:50).

Speak meaningfully about the need to commemorate *Brown* for its achievements *and* its failures.

Sharing the story of another may also advance and express difference, and both President Bush and Rep. Cummings convey stories from two young, black girls who have experienced the shortcomings of *Brown*. President Bush briefly tells the story of Melba Patillo, an African American student who helped integrate Central High School in Little Rock. Bush recounts Patillo's experience of taunts and jeers, of bearing scars from classmates who "broke a bottle and tripped her on the glass."¹²⁷ Quoting Patillo, Bush says, she went up those front stairs "and there was a feeling of pride and hope." In this case, Bush utilizes the story of another to characterize the need to commemorate *Brown*, exemplifying the access that anecdotes can offer speakers who may not be able to speak of difference any other way. Although Rep. Cummings could mostly likely draw from his own experiences as a black man, he chooses to report the experiences of Kayla Sargent, an African American middle school student at John P. Sousa Junior High in Washington, D.C.. Sousa was once the all-white school once at issue in *Bolling v. Sharpe*¹²⁸. Cummings repeats her testimony to Congress, explaining that although once an immaculate well-equipped school, Sousa is now primarily re-segregated and has fallen into disrepair, with "some of the same books that were there in 1951." Cummings highlights her story as a chance to recommit to students and the promise of quality education at the 50th

¹²⁷ Bush, "Remarks by the President at Grand Opening."

¹²⁸ "*Brown v. Board of Education* Site Dedication," CSPAN, (00:52:04).

anniversary.

Oldenberg argues that anecdotes are not only representative, but that they are synecdochal.¹²⁹ Through these anecdotes, the speakers not only contribute to a fuller picture of *Brown*'s legacy, they breathe life into the larger story of civil rights and draw with heavy breath the realities of an insufficient public-school system. Although a monumental passage of time, 50 years is still within "living memory" and as President Bush instructs, "We must do better." Commemorating *Brown* requires telling a broad range of stories and, consequently anecdotes that call attention to the realness of live(d) experience serve as a reminder that *actual* people were involved in the struggle. By fostering this type of identification, during the ceremony and within the NHS and museum, anecdotes help execute the complex task of pluralizing memory and ensuring black voices have another way to be heard.

Another way black voices pluralize memory of *Brown* is to connect the past to the future. The Rev. Fred Shuttleworth connects the struggles of Moses with their contemporary plight: "First of all, I think we ought to remember that God summoned Moses to the first civil rights conference and involved himself totally in the civil and human rights struggles."¹³⁰ Like Cummings, Shuttleworth relies on retelling the story of another to garner support for adversity. By including the voices and perspectives from multiple walks of life, they are able to expand representation as a part of commemoration. Anecdotes function powerfully at the 50th because they encourage

¹²⁹ Oldenberg, "Re 'Characterizing' the Anecdote," 109.

¹³⁰ "*Brown v. Board of Education* Site Dedication," CSPAN, (01:10:14).

identification across time at the particular moment.

During the ceremony Stanton also praises the *Brown v. Board of Education* NHS and museum as a critical step forward in advancing representations of African Americans' role in American history. Stanton's job with the AAEF is to thicken the existing narrative of nationalism by adding African American heritage sites to the cultural memory landscape.¹³¹ As *Brown* is added to the massive "official" machine of national memory citing a commitment to displaying African American experience in oral histories and exhibits, the dedication ceremony also prominently features African Americans in leadership roles giving voice to their experience as people of color in relation to the case.¹³²

It is not simply that black speakers in prominent positions participated in the ceremony, but rather that they contributed the story of the impact of *Brown* on their lives. While new museum theory does not liberate the museum community from these issues entirely, the inclusion of more representative displays, a plurality of voices, and less imperialistic perspectives mean that previously marginalized populations may find better representation in these official spaces. Instead of paying lip-service to diversity but foregoing discussions of racism, like Ahmed warns, the dedication

¹³¹ "Thicken" is a term attributed to cultural studies scholar Clifford Geertz. See Clifford Geertz, "Thick Description: Toward an Interpretive Theory of Culture," *Culture: Critical Concepts in Sociology* 1 (2003): 173-196.

¹³² Such representation during the ceremony reflects the new museum theory at work in the museum's exhibits. Traditionally museums, especially nationally significant ones, displayed a singular story avoiding mention of potentially controversial information or perspectives.

ceremony and museum reflect a genuine incorporation of black voices and their efforts to pluralize memory. By highlighting commemoration over celebration and making space to articulate the experience of blackness, some black speakers are able to make visible the post-Brown lives of people of color – both the triumphs and the failures.

Conclusion

This chapter investigated the frames of celebration and commemoration as enacted by white and black voices at the 50th anniversary dedication ceremony. In the efforts to shape a legacy of *Brown* at the 50th, both the *Brown v. Board of Education* NHS and museum and the dedication speeches seek to influence public memory of the case, either to unify and nationalize or to express difference and pluralize memory. Meanwhile, the place chosen to be the gatekeeper for the legacy of *Brown* was the very building from which Linda Brown was seeking relief from the Courts. Moreover, the immediate consequences of the *Brown* decision in Topeka meant that black teachers were fired, and black schools (including Monroe) were eventually closed. Recall that in Kansas, the dual school system only existed at the elementary level and the physical school buildings and resources were practically equal – unlike the vastly different facilities in other cases, like *Briggs v. Elliot* in South Carolina. There are many factors that influence public memory, but this case study has shown that the rhetorical power of the 50th anniversary supported the work of preservation over the work of addressing the ongoing problems of school segregation post-*Brown*. Constructing a *lieux de memoire* at the 50th, while still a part of living memory,

created a touchstone for neoliberal rhetorics to coalesce around, lauding 2004's officials for having done something in the name of *Brown*. Without addressing educational equality or continued systemic racism, are we foregoing the work of meeting Brown's challenging vision for the easier work of preservation? Of course, these are still challenging discourse which present inescapable tensions – addressing race, memory and legacy means making difficult choices. But in the climate of 2004, with black voices pushing against the hegemonic memory machine of nationalism, where is there space left to discuss discrimination and failing public schools? The critical work of public memory happens in the spaces around and through preservation discourses but honoring the memory of *Brown* may be better served in delivering on its promise rather than praising its existence.

Chapter 4: Counter-Regionalism and Counter-Memory at the 64th Anniversary in 2018

I arrived at the *Brown v. Board of Education* National Historic Site in Topeka on the morning of May 16, 2018. It was a Wednesday – the museum was practically deserted. When I returned the following morning, to participate in and observe the way the commemoration of the 64th anniversary of the Supreme Court decision at the site, I encountered a vibrant scene. As I walked across the empty field in between the parking lot and the Monroe School, I could hear school children enjoying their picnic lunches on the playground behind me. Kansas artist Michael Toombs was explaining to volunteers how they would be contributing to the enormous, in-process community mural honoring the *Brown* decision while upbeat music blared from speakers under a tent. The energy in the air was decidedly different than only the day before when I had pulled into an empty parking lot and spent hours touring a vacant museum. Thursday, as I would learn from museum staff later, was a “field trip day,” bubbling with the enthusiasm of second graders, and on the anniversary of the decision there was a shift from the quiet and reserved touring I had done the day before.

The 2018 anniversary of *Brown* presents a text that is very different from the other texts in this study as it is focused entirely on how the city of Topeka commemorated the decision and required a different methodological approach of text collection. Topekans had the opportunity to participate in several different commemorative events for the 64th anniversary, and this chapter examines two of them: the mural dedication at the Capitol, and the film screening and panel discussion

at the *Brown v. Board of Education* National Historic Site. Together these texts articulate a counter-memory to the dominant public memory of *Brown v. Board of Education*, and consequently, the articulation of Topeka as a counter-region. Ultimately resisting the nationalistic narrative, which the city was drawn into with opening of the *Brown v. Board of Education* National Historic Site in 2004, Topeka's residents utilized the 64th anniversary to amplify regional counter-memories about *Brown* and its consequences in their community. As the term counter-memory suggests, "memory operates under the pressure of challenges and alternatives" and anniversaries present a normalized point in the chronology of history to pause and consider such an alternative.¹ Liberated from the national spotlight in a non-monumental year, the commemorative events in Topeka advance a regional identity that, in addition to redefining the legacy of *Brown* for residents, is a result of disenchantment, developed over time, with their role in the nationalized narrative. At the 64th anniversary, memory of *Brown* is comprised of tales of what I term "calm integration" (or the expression of harmony) and lament over the loss of black spaces (or the expression of regret).

As the commemorative events in this chapter illuminate, Topekans use the 64th anniversary to establish a counter-region, articulating the difference between their history with integration and the dominant history of American civil rights. Unable to see themselves in the boycotts of Montgomery or the standoffs in Little

¹ Natalie Zemon Davis and Randolph Starn, "Memory and Counter-Memory: Introduction," *Representations* 26 (1989), 2.

Rock, the meaning of *Brown* in Topeka resides in their courageous actions to fight segregation in the courts and their resolve to follow through to deliver equality to all citizens. Defined by reason and “calm integration,” Topekans commemorated the 64th anniversary by contrasting their experiences with desegregation to the broader cultural images of violence and resistance. Capitalizing on the *topoi* of non-monumental anniversary, participants in these events carefully and deliberately recast Topeka’s relationship to *Brown* as different than other regions of the United States, refusing to, as Dave Tell writes, let anyone else “have the last word on the meaning” of their past.² With much of civil rights memory dominated by violent scenes of resistance, the counter-memory of calm integration represents those ways where everyday life continued, simply integrated instead of segregated. Although I will expand on Topeka’s specific connection to this concept in the rest of this chapter, recall that only Topeka’s elementary schools were segregated and that most of Kansas was publicly (although not socially) integrated.

Counter-Memory, the Rhetorical “Doing” of Counter-Regions

Counter-regions are an extension of Douglas Powell’s conception of critical regionalism, a central tenet of this dissertation. Building from Powell’s definition of region-making as a type of “social invention,” Tell maps resistant identities constituted by the “rhetorical process by which particular spaces accrue meanings” to

² Dave Tell, “The Meanings of Kansas: Rhetoric, Regions, and Counter Regions,” *Rhetoric Society Quarterly* 42, no. 3 (2012), 215; Douglas Reichert Powell, *Critical Regionalism: Connecting Politics and Culture in the American Landscape* (Chapel Hill: The University of North Carolina Press, 2007), 8.

elucidate the “self-made” boundaries of counter-regions.³ Tell explains his project was “a challenge and corrective” to his own critical practice.⁴ Perhaps ironically, or perhaps serendipitously, Tell also engages with Kansas and the ways in which Kansans invest in the rhetoric of region-making. As Tell explains, the concept of counter-regional rhetoric grew from his critical realization that Kansans were responding to Truman Capote’s *In Cold Blood* as a “conduit” to “bind themselves” to larger abstract ideas, such as modernity or capital punishment, simultaneously resisting the larger national frame brought on by the book’s popularity.⁵ As an extension of Tell’s interrogation of counter-regions, this chapter employs “a regional hermeneutic” as a method to make visible those articulations of difference that connect “a particular locality with distant institutions and abstract ideologies.”⁶ By engaging counter-memory at the 64th, I am engaging the texts that construct a counter-region and investigating how they operate at the anniversary.

Like Tell, I too discovered something I did not expect to find while on the ground in Topeka. Residents *consistently* articulated a regional identity as crucial actors in desegregation, as well as sharing their experiences with integration in Topeka as harmonious, emphasizing “we were not like them” in reference to the stereotypical Southern experience. Lurking just beneath the expression of harmony, though, there was usually regret – a sense of loss of the nurturing haven black

³ Tell, “The Meanings of Kansas,” 230.

⁴ Tell, “The Meanings of Kansas,” 230.

⁵ Tell, “The Meanings of Kansas,” 217-222, 230.

⁶ Tell, “The Meanings of Kansas,” 216.

elementary schools provided. Together, harmony and regret represent the core tension of calm integration. The rhetorical process through which Topekans constituted their counter-region relied on refuting two nationalized assumptions: 1) that desegregation efforts resulted in a rise in white supremacy and violence, and 2) that desegregation was inherently good. The anniversary offers the opportunity for residents to articulate their memories in opposition to the dominant memory refrain of *Brown* and in support of Topeka as a counter-region. As a non-monumental anniversary, the *topoi* at the 64th created space for residents to articulate a new set of values to define their counter-regional iteration of “calm integration.” The two commemorative events at the 64th anniversary advance counter-memories of calm integration through different mediums, visually in the Statehouse and institutionally at the NHS and museum site.

Characteristic of a non-monumental anniversary, the commemorative events marking the 64th anniversary were smaller-scale and focused on Topeka itself. In what Vered Vinitzky-Seroussi calls fragmented commemoration, wherein “multiple commemorations in various spaces and times where diverse discourses of the past are voiced and aimed at disparate audiences,” both commemorative events construct a counter-regional identity that pushed against the homogenizing discourse of national civil rights struggles.⁷ Notably, however, the separation of events reflects a large schism regarding public memory of *Brown v. Board of Education* in Topeka.

⁷ Vered Vinitzky-Seroussi, “Commemorating a Difficult Past: Yitzhak Rabin's Memorials,” *American Sociological Review* 67 (2002), 32.

To faithfully execute a regional hermeneutic requires a careful exploration on the part of the critic to engage complexities, trace relations, and account for networks which might have been reconfigured over time. While I was at the NHS commemorative event, there was an off-hand mention that the *Brown* family was unlikely to ever participate in commemorative events at the Monroe School. After some research, I learned that both the Brown Foundation and Cheryl Brown Henderson had been the subject of federal investigations by the Office of the Inspector General for a variety of missteps, including Brown Henderson's refusal to recuse herself from Brown Foundation business during her short time as superintendent of the NHS. This information helps to explain the perpetual gulf between the *Brown v. Board of Education* museum and the Brown Foundation's efforts to commemorate the anniversary post-2010.⁸ In other words, as a product of the non-monumental anniversary and in the absence of national attention from the presidential administration, the 64th anniversary created an environment in which Topekans could gain traction for their version of public memory of *Brown*.⁹ To map

⁸ U.S. Office of the Inspector General, *Investigative Report: Cheryl Brown Henderson*, Redacted ed., (Washington, D.C.: Government Printing Office, 2011): 1-12, accessed March 29, 2019, retrieved from <https://www.doioig.gov/sites/doioig.gov/files/BrownHendersonPublic.pdf>; U.S. Office of the Inspector General, *Investigative Report of Brown Foundation for Educational Equity, Excellence, and Research*, (Washington, D.C.: Government Printing Office, 2011): 1-12, accessed March 29, 2019, retrieved from <https://www.doioig.gov/sites/doioig.gov/files/BrownFoundationPublic2.pdf>.

⁹ Although there was no public acknowledgement of *Brown* from the White House, a variety of national publications reported the narrative of *Brown* as an unfulfilled promise – a common refrain in modern coverage of the decision. Media coverage also included President Trump's judicial nominees' refusals to affirm the outcome of *Brown* in their confirmation hearings. Meanwhile Allen, Trump's long-time personal

this counter-region, though, also requires acknowledging events since the nationalizing discourse at the museum's opening in 2004, true to Bruno Latour's warning that the critic has "to pay the full cost of relation, displacement, and information."¹⁰ In other words, critics must show their work, explaining how the networks of memory connect. Further, Latour cautions, the social is "traceable only when its being modified."¹¹ It is these networked ties, Tell (drawing on Latour) explains, that constitute counter-regions and account for the relationships that are shaping symbolic connections, even though no articulation is ever final.¹² Thus, I argue that anniversaries in general, and commemorative events specifically, present a point in time which a critic may engage with these shifting networks and their effects. The 64th anniversary is largely focused on redefining the memories of integration in Topeka, distancing their experiences from those of the stereotypical stories, images of

attorney, Michael Cohen, was becoming a subject of scrutiny. For examples of 2018 *Brown* coverage, see Lesli A. Maxwell, "64 Years After *Brown v. Board*, Many Schools are Separate and Unequal," *Education Week*, May 16, 2018, http://blogs.edweek.org/edweek/school_law/2018/05/brown_v_board_of_education_segregation_equity.html ; Preston Mitchum, "64 Years After *Brown v. Board of Education*, Integration Has Not Helped Black People," *The Root*, May 17, 2018, <https://www.theroot.com/64-years-after-brown-v-board-of-education-integration-1826082674>; Nina Totenberg, "Democrats Unlikely To Stop Any Trump Judicial Nominees," *NPR*, May 18, 2018, <https://www.npr.org/2018/05/18/612240846/democrats-unlikely-to-stop-any-trump-judicial-nominees>; for an overview of events unfolding on May 17, 2018 with Cohen, see Alex Ward, "The Stunning Past 24 Hours in Trump-Russia and Michael Cohen News, Explained," *Vox.com*, May 17, 2018, <https://www.vox.com/policy-and-politics/2018/5/17/17364492/trump-russia-michael-cohen-new-yorker-qatar> .

¹⁰ Bruno LaTour, *Reassembling the Social: An Introduction to Actor-Network-Theory* (Oxford: Oxford University Press, 2005), 176-7.

¹¹ La Tour, *Reassembling the Social*, 159.

¹² Tell, "The Meanings of Kansas," 230-1.

resistance to desegregation, and violent scenes of forced integration. Haunted by the dominant narrative of violence, resistance, and fear, the counter-narrative advanced by the public memory stakeholders in Topeka make two claims: that they experienced integration calmly, and in hindsight, there were great losses in the African American community by eliminating black elementary schools.

A counter-region is what produces counter-memory. Memory, according to Davis and Starn, is “polymorphic and historically situated, and will be continually called into question.”¹³ When the buried, silenced, less prominent, or resistant versions of public memory enter the conversation, as in the case of Topeka at the 64th anniversary of *Brown*, this is the residue left by the counter-region’s articulation of their past. This is a Foucauldian approach to counter-memory, as Jose Medina summarizes, where those “experiences, relat[e] to the past from the perspective of the present in an alternative” way.¹⁴ Counter-memory is the articulation of subjugated knowledges.¹⁵ The power of subjugated knowledges, as Medina argues, is their ability to illuminate “critical interventions that disrupt and interrogate epistemic

¹³ Davis and Starn, “Introduction,” 2.

¹⁴ Jose Medina, “Toward a Foucaultian Epistemology of Resistance: Counter-Memory, Epistemic Friction, and *Guerilla* Pluralism,” *Foucault Studies* 12 (2011), 13-14.

¹⁵ In his 1975-6 lecture series, *Society Must Be Defended*, Michel Foucault explains that “subjugated knowledges” refers to a “whole series of knowledges that have been disqualified,” as in the nurses’ medical knowledge compared to the doctor’s. The “hierarchically inferior knowledge” that Foucault is concerned with can be generated from a myriad of places, but the fundamental basis is the act of being silenced or marginalized because of one’s place in the hegemonic structure. Michel Foucault, *Society Must Be Defended: Lectures at the College de France, 1975-1976*, ed. Mauro Bertani and Alessandro Fontana (New York: Picador Books, 1997), 7.

hegemonies and mainstream perspectives,” such as official histories.¹⁶ This is the function of the regional/national hierarchy at issue in the anniversary commemorations of *Brown*. Addressing this recurring hierarchy, Foucault elaborates that “a knowledge that is local, regional, or differential, incapable of unanimity and which derives power solely from the fact that it is different from all the knowledges that surround it,” is powerful once recovered.¹⁷ In other words, “lack of sanction or pedigree,” may demarcate a subjugated knowledge.¹⁸ I do not suggest that the counter-region is marginalized from mainstream memory the same way that intersections of race, class, or gender might result in subjugated knowledges; however, the Foucauldian insight that regional counter-memories are made “hierarchally inferior” holds true, and attending to them surfaces forgotten experiences that have been obscured under a hegemonic, nationalist collective memory.

The counter-memory produced by a counter-region produces variant meanings, for as Medina concludes:

On this view, alternative memories are not simply the raw materials to be coordinated in a heterogenous (but nonetheless shared) collective memory; rather, they remain counter-memories that make

¹⁶ Medina, “Toward a Foucaultian Epistemology of Resistance,” 11.

¹⁷ Foucault, *Society Must Be Defended*, 8.

¹⁸ Foucault, *Society Must Be Defended*, 8.

available multiplicitous pasts for differently constituted and positioned publics and their discursive practices.¹⁹

The national push to codify the memory of *Brown* at the 50th anniversary silenced the experiences of Topekans, for whom their articulation of “calm integration” at the 64th proves a transgressive act. As I argued in Chapter Three, during the nationally-televised dedication ceremony local Kansas speakers characterized their regional identity as “Progressive Kansas,” a designation that internalized a perspective of free-staters and equality into the national (and touristic) imaginary. By 2018 at the 64th anniversary, this regional identity did not seem to satisfy the sense that Topeka has a *different* civil rights heritage than the rest of the country, resulting in a counter-regional articulation of *Brown* and its consequences. To borrow from James E. Young’s characterization of “counter” as a response to the constraints of public memory, some legacies necessitate a shift in historical framing to account of a current publics’ views towards a memory place.²⁰

Counter-memory, then, is the counter-region’s expression against the dominant memory. It is the “work” or the rhetorical “doing” of region-making. For Powell, critical regionalism “works in solidarity with historically disempowered populations... linking their particular struggles to larger ones.”²¹ For Tell, rhetoric is

¹⁹ Medina, “Toward a Foucaultian Epistemology of Resistance,” 24.

²⁰ I draw parallels here with James E. Young’s work on Holocaust counter memorials, designed to disappear or change over time, primarily erected in Europe to remember “absence;” see James E. Young, *Texture of Memory: Holocaust Memorials and Meaning* (New Haven: Yale University Press, 1993), 45-48.

²¹ Powell, *Critical Regionalism*, 26.

the only work that “could tie particular patches of land with broader configurations of political culture.”²² For me, the foundation of critical regionalism and the elucidations of counter-regions unlocks a new way to engage Foucault’s counter-memory as the rhetorical process, (the verb, the action, the “doing” of rhetoric) that illuminates a counter-region’s self-madness. Counter-regions are mapped in the articulation of bounded places to abstract ideas. Counter-memories are the public expression of experience and identity that constitute such counter-regions. In Topeka, at the 64th anniversary of *Brown*, counter-memory functions as the expression of harmony and the expression of regret packaged into a regional narrative that tells the story of their lives, free from violent resistance to desegregation.

Downtown Topeka and Beyond

Topeka is one of those cities that looks bigger on a map than it actually is. My research trip for the 64th anniversary was my first trip to the state of Kansas and, having lived in large cities and visited dozens of capital cities, I spent a good deal of time planning to ensure that I could navigate seamlessly once I hit the ground. Where was the *Brown v. Board of Education* museum and what exit was best? What was parking like around the Statehouse? What was the best way to complete the “Brown to Brown” driving tour and how much time would I need to allot to make the stops worthwhile? Where was the Sonic? (An important question when you used to live in a

²² Tell, “The Meanings of Kansas,” 215.

region where you could frequent Sonic almost daily and now no longer have access to one.)

For all my planning and all my preparation, I'm not sure anyone could have described the look on my face when the drive from the *Brown v. Board of Education* museum (which could not be missed, as it's the only thing on a pretty desolate street) to the Statehouse took, conservatively estimated, two minutes.²³ At 4 o'clock in the afternoon, I *might* have passed three cars. Having just come from a deserted museum, I began to think perhaps the whole city of Topeka was playing a joke on me.²⁴ But by the time I got back to my hotel about 30 minutes away in Lawrence that evening I had adjusted to the reality that between the wide-open skies and less densely populated areas, I was just not going to come across as many people – more like my home state of Texas than my current residence outside the nation's capital.

I draw from personal experience to set the scene in Topeka because, consistent with a non-monumental anniversary, there was scant media attention paid to the commemorative events. This material reality required a different critical approach to text collection drawing from a participatory critical rhetorical approach,

²³ For quick reference, I can't drive the half a mile from my house to the nearest Target in Maryland in less than 10 for the amount of traffic, pedestrian or otherwise, in my part of the suburbs.

²⁴ Hyattsville, the suburb of Washington, D.C. where I reside has a population density of 6500 people per square mile, while Topeka's population density is only 2100/square mile; "Quick Facts: Topeka, Kansas," *U.S. Census Bureau*, <https://www.census.gov/quickfacts/fact/table/topekacitykansas/PST040217#PST040217>; "Quick Facts: Hyattsville, Maryland," *U.S. Census Bureau*, <https://www.census.gov/quickfacts/fact/table/hyattsvillecitymaryland/PST040217>.

requiring me to adopt an approach to data-collection more reliant on field methods. Akin to the personal diary description of Tom Benson's "Another Shooting in Cowtown," or the descriptive travel-journal offered by Andrew Wood on his trip down historic Route 66, this chapter's anniversary required me to participate because otherwise there would be minimal texts for analysis.²⁵

I employ "participatory critical rhetoric," which Michael Middleton, Aaron Hess, Danielle Endres, and Samantha Senda-Cook describe as "a set of practices that bring qualitative methods of data collection such as participant observation, interviewing, and oral history into the process of doing rhetorical criticism."²⁶ Participatory critical rhetoric differs from ethnography in that the critic may only be on the ground for a particular event, but it does serve as an "umbrella term" for an array of "research practices" rhetorical critics "can use to investigate live(d), locally situated rhetoric in its immediate manifestation."²⁷ In the case of a non-monumental anniversary, complexities of the text may be otherwise inaccessible. By maintaining a rhetorical focus, participatory critical rhetoric is concerned with "how symbolic practices articulate disparate identities."²⁸ This approach recognizes that "power is

²⁵ For other examples of first-person narratives to drive rhetorical criticism, see Thomas S. Benson, "Another Shooting in Cowtown," *Quarterly Journal of Speech* 67, no. 4 (1981): 347-406; Andrew F. Wood, "Two Roads Diverge: Route 66, "Route 66," and the Mediation of American Ruin," *Critical Studies in Media Communication* 27, no. 1 (2010): 67-83.

²⁶ Michael Middleton, Aaron Hess, Danielle Endres, and Samantha Senda-Cook, *Participatory Critical Rhetoric: Theoretical and Methodological Foundations for Studying Rhetoric In Situ* (Lanham, Maryland: Lexington Books, 2015), xiv.

²⁷ Middleton, Hess, Endres, and Senda-Cook, *Participatory Critical Rhetoric*, xv-xvi.

²⁸ Middleton, Hess, Endres, and Senda-Cook, *Participatory Critical Rhetoric*, xvii.

contingent” and constructed through “discursive practice, and that it is communicated by both presence and absence of rhetorical action by both privileged and subordinated rhetorical communities.”²⁹ As Senda-Cook, Middleton, and Endres later note in *Text + Field*, these moves of text collection “open doors” in rhetorical scholarship, allowing researchers to “engage otherwise inaccessible texts, like local, marginal, and/or vernacular discourses that have not been collected and catalogued in archives.”³⁰

Consequentially, this allows access to smaller-scale commemorations that may otherwise be consigned into oblivion, as Foucault characterizes it, because they reside in “inferior” positions in society. This chapter enmeshes the approach of participatory critical rhetoric with the acknowledgement that non-monumental anniversaries are more likely to be relegated to regional and less prominent commemorative events. I illustrate the discursive practice by retelling the *in situ* experience where I can and relying on local media accounts to fill in the rest of narrative. However, in some cases, such as the evening film screening that I attended, there was no media coverage of the event. Thus, the participatory critical method is crucial for access to the live(d) regional experience of Topeka’s black residents and their collective memory.

²⁹ Middleton, Hess, Endres, and Senda-Cook, *Participatory Critical Rhetoric*, xviii.

³⁰ Samantha Senda-Cook, Michael K. Middleton, and Danielle Endres, “Interrogating the Field,” in *Text + Field: Innovations in Rhetorical Method*, ed. Sara L. McKinnon, Robert Asen, Karma R. Chavez, and Robert Glenn Howard (University Park: Pennsylvania University State Press, 2016): 22-39.

My time in Topeka alerted me to the thriving revitalization of the Topeka public art scene, due in part to the work of a robust community arts organization called ARTSConnect. Founded in 2006, ARTSConnect focuses on how public art “enhances the quality of life,” hosting monthly Art Walks, commissioning new murals around the city, and emphasizing communities like the NoTo (North Topeka) Arts District. I specifically stopped to explore the Great Mural Wall of Topeka, which is listed as both a stop on the “Brown to Brown” driving tour and the ARTSConnect Topeka Mural Project.³¹ Although, as I previously mentioned, my plans included completely the driving tour, I quickly realized most of the buildings were inaccessible to visitors and so I refocused on traversing Topeka’s art scene.

Brown v. Board of Education has no doubt left an indelible mark on the city and its collective identity. This fortuitous decision to visit some sites in Topeka’s public art scene further influenced my attention to their counter-regional goals. By way of context, there were two projects underway while I was in Topeka: the ARTSConnect sponsored *Brown v. Board of Education* Mural and the early plans for a new statue downtown. Although not completed until September 2018, the mural by artist Michael Toombs was underway across from the *Brown v. Board of Education* National Historic Site while I was in Topeka. Described by ARTSConnect as exploring “themes of equality and justice through the eyes of young people in our

³¹ For information on the “Brown to Brown” driving tour, see “From Brown to Brown: Topeka’s Civil Rights History,” *National Park Service*, undated, <https://www.nps.gov/brvb/upload/From-Brown-to-Brown.pdf>; For information on the Topeka Mural Project, see “Topeka Mural Project,” *ARTSConnect*, undated, <http://artsconnecttopeka.org/topeka-mural-project>.

community,” the community mural was completed by volunteers under artist direction.³² At 130’x30’, the mural towers over the viewer, depicting a variety of scenes from Martin Luther King to Ghandi. Central features are the two school children, one black and one white, holding hands beneath the words: “And the children shall lead.” The two children are flanked by a busy, vibrant collage where the Monroe and Sumner Elementary Schools, central to the Brown case, bookend the design. Although not a focus of this chapter, this mural and ARTSConnect contextualize the anniversary, deepening the understanding of efforts across the city to maintain a vibrant culture and promote civic values through public art.

The second project was a community campaign to install a statue of the former Topeka NAACP president McKinley Burnett. Although the statue had not been added to the landscape when I was there in May, it was a point of pride for the residents I spoke with at the NHS Brown commemorative event who were quick to point out that Burnett, who tirelessly recruited the 13 plaintiff families in *Brown v. Board of Education*, does not get enough credit for his organizing role in the case.³³ In fact, much of the recent memory work in Topeka has been to reclaim the legacy of

³² Savannah Maue, “‘And the Children Shall Lead:’ ARTSConnect Topeka Reveals Brown v. Board Mural Design,” *Topeka Capital-Journal*, March 1, 2018, <https://www.cjonline.com/entertainmentlife/20180301/and-children-shall-lead-artsconnect-topeka-reveals-brown-v-board-mural-design>; see also “Brown v. Board Mural Project: Legacy & Vision,” *ARTSConnect*, undated, <http://artsconnecttopeka.org/bvb>.

³³ Katie Moore, “Statue of McKinley Burnett, Key Strategist in Brown v. Board Case, Dedicated,” *Topeka Capital-Journal*, September 30, 2018, <https://www.cjonline.com/news/20180930/statue-of-mckinley-burnett-key-strategist-in-brown-v-board-case-dedicated>.

Brown from the nationalized narrative of Linda Brown's long walk to school. The Burnett statue is another particularly compelling example of counter-memory of Topeka as more than a city where the Brown family lived. As the *Topeka Capital Journal* reported, even Linda Brown Smith requested that the proposed statue represent the 13 families who were involved in the case, and not focus on her specifically.³⁴

In the nationalized narrative, Topeka can be understood as the nucleus for public memory of *Brown v. Board of Education*. Whether approaching Topeka from a nationalistic perspective or a regional one, Topeka is an integral part of understanding the five cases condensed under the title *Brown v. Board of Education*. At the 64th, however, residents of Topeka are primarily engaged with advancing a counter-memory that characterizes Topeka as integral, but emphasizes the regional differences that separate them from other areas of the country. If, as Kenneth Frampton asserts, critical regionalism is an "architecture of resistance," then understanding the region-making discourses in this part of Kansas can help us to unlock the ways in which the dominant narrative of the Civil Rights Movement falls short of residents' experiences over the past 60 years in Topeka. Resistance, in the case of critical regionalism, is resistance to reproducing public memory as though it is a carbon copy. For Powell, this distinction means that "merely accounting for local

³⁴ Morgan Chilson, "McKinley Burnett's Downtown Topeka Statue to be Dedicated Sunday," *Topeka Capital-Journal*, September 29, 2018, <https://www.cjonline.com/news/20180929/mckinley-burnetts-downtown-topeka-statue-to-be-dedicated-sunday>.

history or lore does not necessarily reveal the multiple vectors of race, gender, technology, ecology, or social justice, for starters, that all converge on this historical moment at this geographic site.”³⁵ Absent the pressure and influence of the national spotlight, the counter-memory of *Brown v. Board of Education* advanced by those remembering the case *in* Topeka can gain traction in crafting the counter-region, which in turn acts like a more recalcitrant barrier to national collective memory of the case.

In their process of articulating difference, the 64th anniversary commemorative events in Topeka seek to capitalize on memory as temporary and contingent, remaking the memory of Brown in their own image as a region. To this end, Topekans advance their counter-memory of “calm integration.” In contrast to the dominant narrative of difficulty and struggle, of violent crashes perpetuated by a “segregation forever” mentality, the expression of counter-memory provides the opportunity to articulate the experience in Topeka as different than other public memories associated with school integration, such as the standoff in Little Rock.

The “Work” of Calm Integration

As the counter-memory advanced at the 64th anniversary, calm integration can be characterized one of two ways. First, it could be considered a rhetorical move to divert attention from racism. A common approach in discussions of racial relations is to create an atmosphere where discussing “racism” is taboo, but discussions of

³⁵ Powell, *Critical Regionalism*, 19.

“diversity” are welcome. As Sarah Ahmed posits, the discomfort of talking about racism lives in tension with the promotion of diversity. Ahmed illustrates this tension as “a brick wall,” explaining that most people are unaware that such a wall exists, while those tasked with the job of tearing down the wall find themselves unable to convince anyone else the wall exists.³⁶ Ahmed cautions that the penchant for “getting over race” as a solution to racial injustice more likely results in overlooking racism.³⁷ From the position that post-racial discourse is damaging, the narrative of calm integration promoted by Topekans at the 64th anniversary of *Brown* is troubling. If a counter-memory of calm integration is utilized to bury ongoing segregation, inequality, and injustices by directing attention to the ways in which *Brown* served their community, the result could be disenfranchising.

However, the second way is to understand the counter-memory of calm integration is to adopt Powell’s region-making as social invention, through which they can redefine their identity. If barking dogs and boycotts and National Guard escorts do not represent the experience of school children in Topeka, critical regionalism “embraces the rhetorical function of a region as not a thing itself... but as a way of talking” about existing relationships in that region.³⁸ The *Brown v. Board of Education* museum operates with one foot in each of these narratives as the heretofore dominant narrative in Topeka. As Benedict Anderson notes, museums are

³⁶ Sarah Ahmed, *On Being Included* (Durham: Duke University Press, 2012), 175.

³⁷ Ahmed, *On Being Included*, 180, 183.

³⁸ Powell, *Critical Regionalism*, 65.

a part of the grammar of colonialism, and one of the ways that nationalism is written into the identity of a people.³⁹ The museum reinscribes this violent integration in the Hall of Courage exhibit display, where visitors walk through a narrowed hallway with larger than life footage of a white mob shouting down black students attempting to enter into school buildings. As a centerpiece of the existing memory of *Brown v. Board of Education* in the Topeka museum, there are images and experiences that reassert the dominant narrative of struggle. With the museum as their backdrop, Topekans invoke calm integration as a way of resisting the assumption that every black child was jeered, cursed, or assaulted as they entered school. In my observations at the 64th anniversary, the narrative of calm integration expressed the live(d) experience of residents and the lament of the safer, black spaces that were lost to integration. It is not to say that there were not experiences of violence and struggle elsewhere, but in re-making their region, they emphasized that those things happened elsewhere. Topekans have their own memories, separate and apart from the nationalistic imposition of *Brown* standing in for all desegregation fights and all attempts to gain equal rights for African Americans nationwide.

A counter-memory of calm integration is invoked across both commemorative events in different ways. With plenty of local press coverage, dignitaries dedicated a new mural in the Kansas Statehouse on May 17, while the evening film screening and panel at the National Historic Site saw few press mentions and no formal media

³⁹ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso Books, 1983), 185.

presence. I will first engage the new statehouse mural, commissioned to memorialize the *Brown* decision on the third floor of the Capitol building, outside the old Kansas Supreme Court room. There are two elements to this text, the mural and the ceremony itself. Like the analysis in Chapter Three with the dedication of the new museum, there is a tension between celebrating the mural's completion (following a 10-year process for approving, funding, and selecting the artwork) and the reality that the promise of *Brown* remains unfulfilled. Then, I will examine the second text, the film screening and panel discussion hosted by the NPS at the *Brown v. Board of Education* National Historic Site in the auditorium/gymnasium space of the Monroe School. This is the event I attended personally, among a small but engaged audience. These events, separately and together, promoted the narrative that school desegregation in Topeka was simple and straight forward. In turn, this narrative coalesces into the rhetorical counter-memory that identifies Topeka as a counter-region. Although they are both a part of commemorating the 64th anniversary of *Brown v. Board of Education*, they are distinct events held at different times and in different locations across Topeka. Following the individual treatment of each commemorative event, I will turn to look at articulation of Topeka as a counter-region in contrast to the dominant memory of civil rights and the expectations of post-racial/post-Brown America.

The Mural Dedication

On the afternoon of May 17, a large crowd gathered on the third floor of the Kansas Statehouse to dedicate a new mural. Painted by Kansas City artist Michael

Young, the mural was a product of a nearly ten-year long planning process to memorialize Kansas' role in the history of desegregation.⁴⁰ Planned to coincide with the anniversary of *Brown*, the dedication ceremony capitalized on the “same time” and “same place” to rearticulate the legacy of Brown in the Statehouse. The mural visualizes the counter-memory of calm integration. Its depiction of children, both black and white, learning together immune to the chaos around them, illustrates the concept of calm integration for the audience.⁴¹ This section addresses the rhetorical power of murals and offers a visual analysis of the 2018 Young Statehouse mural, before engaging with the dedication ceremony, and its articulation of Topeka's regional counter-memory.

Murals capture the “civic imagination,” pinpointing, at a moment in time, the cultural and political concerns of the day. As such, murals prove a useful text for engaging with how a community is grappling with, or being encouraged to deal with, issues they face. For example, in her study of the murals in Los Angeles in the 1930s, Schrank details how the overtly political art of the Mexican American murals was literally white-washed over because they did not adhere to the concept of “civic imagination” that officials wished to promote in the public sphere. The Mexican

⁴⁰ Peter Hancock, “New Kansas Statehouse Mural of Brown v. Board of Education Evokes Past and Present Social Divisions,” *Lawrence Journal World*, May 17, 2018, <https://www2.ljworld.com/news/2018/may/17/new-statehouse-mural-evokes-past-and-present-social/>.

⁴¹ For images and an interactive guide to some points of interest in the mural, see Carla Eckles, “A Reflection Of History: Brown V. Board Mural Unveiled At Kansas Capitol,” *KMUW*, May 17, 2018, <https://www.kmuw.org/post/reflection-history-brown-v-board-mural-unveiled-kansas-capitol>.

American community, on the other hand, galvanized around these images of labor and injustice. Schrank's description of civic imagination captures the cultural power of a mural and names why their presence is so powerful. The "civic imagination" of the Young mural is visualized as "calm integration." Teaching the primary audience, described in the KCPC's materials as the school children on field trips, of Kansas' role in freeing the nation from the fear of segregation, the mural depicts various elements of the *Brown v. Board of Education* legacy. Young's mural offers more than the state's interpretation of the Brown decision, it is – by the commission's own design – there to educate school children into the civic imagination of Kansas. It is there to proffer an understanding of Kansas as a progressive, bastion of equality and hope.

At the center foreground of the mural is an integrated class, gathered around their African American teacher. Backgrounded by the federal Supreme Court building, the children learn peacefully as a more chaotic scene unfolds to their left and a stoic group of graduates gathers to their right. The din around them, both anti and pro-integration, becomes representative of the regions beyond America's heartland where other American's must perpetuate the fight. But not Kansans. They are hearty and dedicated to the cause. As the young children focus on the teacher, although they represent a racially diverse group, they are not identified by the color of their skin, but rather as school children. As a visualization of Kansas' commitment to educational equality and their hard-won Court battles over nearly 100 years, the mural depicts their contribution to the larger history of the United States, with the children at the center to represent the harmony they have achieved. While protestors

with signs that read “Keep Schools White” languish in the darker, left side of the mural, the sunlight casts lights the faces of African American graduates, who stand on the right side, holding diplomas among signs that read “Separate is NOT Equal” and “Segregation is Morally Wrong.” Completed in a stylized realism, the larger than life piece imparts the message that even among the struggles, the children who represent the “calm integration” of Kansas’ past stay focused and flourish together.

This is the counter-memory advanced at the 64th anniversary of *Brown* in Topeka, the depiction of calm integration that backgrounds the resistance and protests occurring in the background. The mural entreats Kansans to celebrate the accomplishments of Brown. Situated between competing forces, Kansans must rise above the fray and focus on their tasks at hand – not national politics or racial divides. The ordinary children centered in the mural embody “the radical” notion of attending school together.⁴² The mural represents a point of pride in Kansas history, and by immortalizing the atmosphere of calm integration on the walls of the statehouse, the 64th anniversary solidifies a regional re-telling of the story of *Brown*, with the concentration on the achievement and the gift that tenacious Topekans gave to the country.

As a form of public art, murals make a larger than life statement about the values that are important to a community. In Topeka there are a variety of murals,

⁴² Courtney Ryan, “Brown v. Board of Education Mural Ceremony,” *Facebook Live Video*, <https://www.facebook.com/capitolcourtney/videos/2095392463822708/>, (30:02).

some official, commissioned pieces and some community-organized projects.⁴³ Murals are a form of public art that, as Margaret R. LaWare articulates, make “tangible” abstract possibilities.⁴⁴ The *Brown v. Board of Education* Statehouse mural can be read as the region’s attempt to capture a cultural moment for posterity. As Sarah Schrank posits, public art is a “conceptual product of cultural capital.”⁴⁵ Murals are an art form whose genesis can come from a variety of places. Some are vernacular and community projects; others, like the one in this chapter, are commissioned and carefully executed forms of official public art. In both vernacular and official forms, public art capitalizes on and traffics in the recognizable symbols of the culture in which it is produced. And if, as LaWare asserts, public art turns space into an argument, murals prove a transcendent form of guarding a moment, the *kairotic*, against the march of time, the *chronotic*. Deploying the anniversary to some of this cultural memory work alongside the mural, Topekans are able to solidify their

⁴³ Of note on the Topeka art scene is the Topeka Mural Project which features community murals across the city and the two American Regionalist murals, painted by Depression-era artists John Curry, which represent an unfinished project. Public art, particularly officially commissioned public art, can result in controversy. Curry did not complete the mural project in the Statehouse following a dispute with over his representation of Kansas. In an effort to contextualize the unfinished murals and Curry’s legacy, the state purchased his study sketches to exhibit. See “Kansas State Capitol – Curry Murals,” *Kansas Historical Society*, June 2011, <https://www.kshs.org/kansapedia/kansas-state-capitol-curry-murals/16864>; “Curry’s Studies for Kansas State Capitol,” *Kansas Historical Society*, July 2017, <https://www.kshs.org/kansapedia/curry-s-studies-for-kansas-state-capitol/10151>.

⁴⁴ Margaret R. LaWare, “Encountering Visions of Aztlan: Arguments for Ethnic Pride, Community Activism and Cultural Revitalization in Chicano Murals,” *Argumentation and Advocacy* 34, no. 3 (1998): 140-153.

⁴⁵ Sarah Schrank, “Public Art at the Global Crossroads: The Politics of Place in 1930s Los Angeles,” *Journal of Social History* (2010), 435.

articulated counter-memory into a vivid, visualization that can promote identification for future viewers. At a regional level, for Kansans and permanently on display in their statehouse, the “civic imagination” rests in the hope and harmony of the school children who will see themselves in this mural each year.⁴⁶ More specifically, however, LaWare argues that murals are a form of visual epideictic. They call on the community to make visible the relationships that already exist. As LaWare writes, murals can constitute identity, “especially when it [the audience] can literally see itself reflected back in the faces of the images populating a mural. Visual epideictic, then, hold special significance for “‘minority’ communities who might otherwise be denied access to their own realities through prejudice and oppression.”⁴⁷ Murals carry meaning, and whether they are an organic part of the community or a commissioned piece of fine art, they make particular arguments about inclusivity and identity. In this way, we can understand that visual epideictic is a crucial frame for approaching the history of murals in the Topeka Statehouse, for they assert and visualize identity in ways that are critical to the work of region-making.

In 2008 then-president of the Kansas State Conference of the NAACP, Charles Jean-Baptiste, lobbied State Senator Anthony Hensley to introduce a bill to commission the mural. By the 2009 session, the state legislature had voted to

⁴⁶ For another take on the production and maintenance of “civic education” through public art see Caitlin Lee Bruce, *Painting Publics: Transnational Legal Graffiti Scenes as Spaces for Encounter* (Philadelphia: Temple University Press, 2019).

⁴⁷ LaWare, “Encountering Visions of Aztlan,” 145; see also Lisa Flores, “Creating Discursive Space through a Rhetoric of Difference: Chicana Feminists Craft a Homeland,” *Quarterly Journal of Speech*, 82, no. 2 (1996): 142-156.

establish the Kansas Capitol Preservation Commission, which would be responsible for the updating and preserving of the Capitol building, beginning with the planning and implementation phases of a *Brown v. Board of Education* mural.⁴⁸ Speaking in support of his bill, Sen. Hensley characterized *Brown* as a “testament to the human spirit,” paving the way for the modern civil rights movement and laying the foundation for international policies protecting human rights.⁴⁹ Memorializing the decision in a Statehouse mural was presented not only as a celebration of Kansas’ victory over segregation, but as evidence of the state’s positive impact advancing human rights. In the 2012, the call for submissions was issued, inviting artists to “memorialize the landmark significance [of the case] by capturing its antecedents, elements, and effects on Kansas, the United States, and the international community.”⁵⁰ Artists’ submissions would interpret this in different ways, but nearly all the finalists’ designs reflected a complex collage, depicting various aspects of civil rights figures and ideas. The KCPC had emphasized that the original artwork needed to be historically accurate and intended for the “thousands of Kansas children” who tour the “the grandest and most important public building in Kansas” each year.⁵¹

⁴⁸ KS-75-2268, *Brown v. Board of Education Mural in State Capitol*, § 24; July 1, http://www.ksrevisor.org/statutes/chapters/ch75/075_022_0068.html#.

⁴⁹ Senator Hensley refers to his testimony in 2008/9 during his remarks on May 17, 2018 at the dedication ceremony; see Ryan, “Brown v. Board of Education Mural Ceremony,” (43:04).

⁵⁰ Valdenia C. Winn, “Call for Artists,” *Capitol Preservation Committee*, February 6, 2012, 1. This call would later become the sticking point for one of the artists arguing (quite heavy-handedly) that his design be chosen over the others.

⁵¹ Winn, “Call for Artists,” 1.

Although the selection and completion of the project ultimately ran about four years behind schedule, the mural project was bookended by the 56th anniversary, when the governor signed the bill into law, and the 64th anniversary, with a formal dedication ceremony.⁵²

Young's submission was selected as the final design in 2016. Functioning as a visual epideictic, the mural prompts the audience to unite under their identity as Kansans – as a freedom loving people who gave the gift of Brown to the rest of the United States. Young's mural presents this Kansas as progressive, attuned to the counter-memory of calm integration, depicting the quiet defeat of white supremacy by privileging white and black children learning together. Resulting in an aesthetically pleasing, lukewarm melodramatic interpretation of *Brown*, the Young mural establishes the villain of resistance to desegregation, promoting what Casey Nelson Blake describes as “preordained defeat,” where the viewer is aware that the “serpent” will not be “in the garden for long.”⁵³ According to Blake, melodrama enacts the “promise that, despite our fallen condition...a moral drama of American goodness” will prevail.⁵⁴ In Young's depiction of *Brown*, the white supremacist

⁵² Jon Hanna, “Capitol Mural to Honor Brown v. Board,” *The Wichita Eagle*, May 18, 2010, <https://www.kansas.com/news/local/article1031177.html>.

⁵³ Casey Nelson Blake, “Thomas Hart Benton and the Melodrama of Democracy,” *Indiana Magazine of History* 75 (2009), 177.

⁵⁴ Blake, “Thomas Hart Benton,” 176. This melodramatic narrative, however, cannot stand without noting the political climate of 2018 following events like the riots in Charlottesville and heated exchanges over Confederate memorials and monuments throughout the South, it is clear that white supremacy is not the easily defeated villain that it is portrayed to be. This mural does more for portraying the “post” of Brown (a la Ahmed and not discussing racism) than it does for engaging with the struggle of

protestors have their backs turned to the progress featured in the foreground, headed to the Supreme Court where they will repeatedly lose. As the melodrama unfolds in the mural, the demonstrators who are advocating for equality and harmony, ordained by the biblical covenant of a rainbow. Unbothered by the scenes on either side of them, the black teacher and group of integrated school children gathered around a book, sunflowers, and the portrait of Thurgood Marshall.

Archival documents and Young's original proposal reveal this counter-regional representation of *Brown* did matter a great deal to the KCPC, who negotiated elements of the design in Young's mural submission. Consequently, the symbolism in the mural was carefully curated to envision the counter-memory of calm integration. Originally, Young had depicted the teacher as white, however, after a suggestion from the committee, changed her race to ensure that African Americans weren't depicted as merely recipients, but also as influencers in the narrative. When the mural artist was chosen in late 2016, *KMUW* (Wichita's NPR station) interviewed Cheryl Brown Henderson about the symbolism and the intended message of the mural. Much like her prior testimony at the Commission's final selection meeting, Brown Henderson interpreted Young's artwork as capturing the message of *Brown* in a way simple enough for school children to understand.⁵⁵ According to the minutes in the

African American Kansans to have fought for and then attempted to implement equality.

⁵⁵ Carla Eckels, "Planned Statehouse Mural to Honor Significance of Brown v. Board of Education," *KMUW Radio*, December 6, 2016, <http://www.kmuw.org/post/planned-statehouse-mural-honor-significance-brown-v-board-education-case>.

Commission's meeting, Brown Henderson had also complimented Young's design for keeping "education" at the forefront of the depiction, identifying one of its strengths as not depicting any specific individual associated with the case too prominently.

The Commission's minutes illuminate a tension between regional and national concerns, striving to continually elevate *Brown*'s Kansas connection over the larger narrative of the case. For example, after they initially failed to come to a consensus on one of the four final designs, the Commission eliminated one of the four finalists because he was not from Kansas – even though his design was one of the more favored ones. This signaled the commitment to remembering Kansas' role by Kansas and for Kansans, and not for a national audience.⁵⁶ In a similar move to keep Kansas as the central focus, more than once in the planning process (the invitation for submissions and Henderson's testimony, among others) there are direct mentions of Kansas school children and their formative field trips to the state capitol building. Although the invitation for artist submittals indicated a successful proposal would "capture" *Brown v. Board of Education* by reference to "its antecedents, elements, and effects on Kansas, the United States, and the international community," the KCPC's final choice reflected the counter-memory of Topeka, above the fray of resistance and living out the hope of equality.⁵⁷ Because the mural is devoid of

⁵⁶ Kansas Capitol Preservation Commission, "Minutes 2016," November 29, 2016, http://kslegislature.org/li_2016/b2015_16/committees/ctte_2011_capitol_preservation_committee_1/documents/.

⁵⁷ Valdenia C. Wynn to Artists and Artist Teams, February 6, 2012; see also Kansas Capitol Preservation Committee, "Report of the Capitol Preservation Committee

specific individual characteristics, the people in the mural are the “everymen and women” – which Kansans can understand to be representative of their own role in changing American life.

The completion of the mural is cause for celebration. This mural is for *them* – for Kansans to come and learn about their heritage. Enacting LaWare’s role of public art, the mural serves as a tangible manifestation of the victory in *Brown*. This anniversary is not about defining the changes over time, and it is not about deciding how to move forward. The 64th is celebrated by invoking Kansas’ achievements and articulating why their region and lived experience is different. As they gathered on the third floor of the Kansas Statehouse, across from the Old Supreme Court room, citizens and elected officials gathered to formally celebrate their identity as Kansans and the positive effects of *Brown v. Board of Education*.⁵⁸ During the hour-long dedication ceremony, speakers heralded Kansas’ progressive identity, advancing a narrative of *Brown v. Board of Education* as the catalyst for incredible change and the state and all its citizens – regardless of race – as participants in carrying forth that banner of heart-land pride.

2017,”

http://www.kslegislature.org/li_2018/b2017_18/committees/ctte_2011_capitol_preservation_committee_1/.

⁵⁸ Ceremonies dedicating the mural were held during the evening on May 16 and the afternoon of May 17. Although each ceremony was a celebration of the mural and a formal celebration, the May 17 ceremony that was open to the public and is what I will focus on in this analysis.

Like the dedication ceremony explored in Chapter Three, tensions exist between celebrating the and commemorating *Brown*. In 2018, however, speakers do not delineate the two modes, but instead navigate these two goals, commemorating Brown and celebrating the completion of the mural, by employing the constitutive functions of epideictic – heralding the victory and relegating struggles to the past. As Condit observes, epideictic discourse serves to unify audiences, with explicit references to “heritage” and a “renewal” of the community itself.⁵⁹ Speakers are able to utilize these functions of epideictic to define Kansas’ contribution to inclusion and equality, eliding discussion of continued inequality. As a non-monumental anniversary, I argue that the counter-regional articulation dominates the rhetorical culture of the 64th anniversary, allowing rhetors the freedom to focus on the past and Kansas’ success, rather than the larger case, present context, or future challenges. The formal nature of the ceremony adheres to the generic constraints of epideictic discourse. Applying Condit’s epideictic pairs, I will examine how the constraints of epideictic constitute a community, celebrating both the Brown decision and the completion of the mural, privileging their identity as Kansans and a neoliberal construction of race. The expectations of the speakers are clear: to celebrate the mural and commemorate the anniversary of *Brown*; however, it is the way these tasks are performed that warrants further exploration.

⁵⁹ Celeste Condit, “The Functions of Epideictic: The Boston Massacre Orations as Exemplar,” *Communication Quarterly* 33, no. 4 (1985), 289.

After surveying existing theories on epideictic discourses, Condit concludes that speeches reflect one or more of three speaker/audience relationships. Moving beyond a framework of praise or blame, Condit revives the concept of epideictic discourse as one where community is shaped and values are put on display. Much like Perelman and Obrecht-Tyteca's move to define epideictic as demanding adherence to values, Condit names these speaker/audience relationship characteristics that expand an understanding of the genre as constitutive and ultimately unifying. I argue that this ceremony fulfills all three functions: speakers offer the audience an interpretation which defines their role in the past, they espouse shared values and privilege inclusion and diversity, and unveil a new, instructive display. Although there are two elements that complicate these speaker/audience relationships (which I will discuss in detail later), it is clear that formal elements of the anniversary ceremony adhere to the ultimate goals of celebrating and commemorating the *Brown* decision.

First, the interpretation offered to the audience is explicitly named "inclusion." Sandwiched between an opening prayer and benediction for "unity," the event's speakers (both white and black) invoke the idea that all Kansans, regardless of race, are invited to celebrate *Brown v. Board of Education*'s accomplishments. This narrative of inclusion is visually depicted in the mural, as well as in the other performative dimensions of the ceremony. To much applause, NAACP Southeastern Regional Director Kevin Myles defined inclusion in terms of the "social currency" and power of a "good story." But, he continued, "the story of America is not complete

unless it includes everybody.”⁶⁰ Because the mural had yet to be publicly unveiled during Myles’ speech, he does not specifically address the elements of the mural which illustrate his point. However, Myles appears to be referencing the artist’s choices to paint both integrated and segregated crowds. Visually, the audience will come to understand that as the white supremacist marchers head off into the distance, so too must their ideas give way to the positive, forward-facing marchers on the right side of the mural. When Myles and his fellow speakers discuss “inclusion,” “unity,” and “shared affinity and united community,” they are shaping a space for all Kansans to celebrate the positive impact of *Brown* – irrespective of race.

Explicitly designating “inclusion” as a central theme to a Kansan identity long-committed to civil rights serves two purposes. First, it bolsters the audience to express pride in their state and heart-land heritage. As Governor Colyer says, the heroes of Kansas are a “reminder that ordinary people can do extraordinary things” and that “the heart of America – the exact center of the United States” gave the world the “radical” notion of educational equality.⁶¹ Both Cheryl Brown Henderson and Judge Julie Robinson shape the community gathered by contrasting Kansas to other places they’ve travelled. As Brown Henderson states, “one of my proudest things... [is] letting people know that that little ‘ol state that they drive through, is a place that they ought to be stopping.”⁶² From beginning the ceremony the “right way,” as Gov.

⁶⁰ Ryan, “Brown v. Board of Education Mural Ceremony,” (19:20).

⁶¹ Ryan, “Brown v. Board of Education Mural Ceremony,” (33:02).

⁶² Ryan, “Brown v. Board of Education Mural Ceremony,” (47:11).

Colyer puts it, with a prayer from the Statehouse resident pastor to the Brown Foundation roll-call naming those directly involved in the case, the ceremony shapes and deploys a strong sense of regional identity, centered around Kansas pride in a changing the world. Second, it situates Kansas as a bastion of progressivism and the defender of equality in a world that does not hold the same values. Brown Henderson reminds the audience to “thank the brave men and women of Kansas of African descent who brought eleven cases” in the 50 years prior to Brown. Similarly, Gov. Colyer describes Kansas’ heritage as “born out of the cauldron of the Civil War,” whose citizens are always “called to do what is right, not just what is popular or what is easy.” In this way, Kansas is positioned as historic and integral to the achievement of civil rights: if not for *Brown v. Board*, we would not have equality. This perspective embodies the counter-memory work responsible for shaping the counter-region, entreating those in attendance to recognize the civil rights contributions Kansas has given the country and the world.

Because the ceremony privileges messages of inclusion and diversity, the more complicated definitions of “equality” and the continued persistence of segregation across America are notably absent from the commemoration. This is not altogether surprising, for as Condit observes, “any action urged” by epideictic discourse must avoid creating “major divisiveness.” In order to avoid violating the generic constraints and potential disputes about policy, the ceremonial addresses instead vaguely allude to future work and the ills of the present. However, I argue that the secondary, and perhaps more compelling reason, for this absence of a nuanced picture of *Brown* in favor of the “national icon” reductionistic view can be explained

by two factors that *shift* how certain speakers are able to discuss the context of *Brown* and the future of the United States and public education.

Each of the seven speakers contextualizes the event differently, resulting in an interesting confluence of timelines across the entire event. Myles and Jackson, the two speakers from more nationally focused organizations, focus more on present concerns, while speakers from Kansas-based organizations retell the story of *Brown v. Board of Education* and focus primarily on the anterior-past of the case. Only US District Judge Julie Robinson, Kansas' first African American federal judge, discusses the longer trajectory of school desegregation cases, acknowledging 1999 as the year Topeka schools were declared "unitary." All speakers, however, unilaterally declare the power of *Brown* in the story of civil rights and applaud the changes *Brown* accomplished. Epideictic discourse has the power to shape the audience's understanding of success, however, so it is important to also discuss the effects of defining *Brown v. Board of Education* as successful and influential absent present contextual concerns.

Condit's work to redefine epideictic discourse in terms of three functional pairs helps the critic understand the resources available in epideictic speech, while maintaining a flexibility of interpretation for discourses that may seek to accomplish or address more than one end goal. Because the dedication ceremony for the *Brown v. Board of Education* has dual goals: celebrating the mural ten years in the making and commemorating the decision itself – speakers advance definitions of what success looks like and shape the audience's sense of pride, such that the only appropriate response is to celebrate Kansas' role in the *Brown* decision and to participate in the

exceptional, diverse, inclusive community. The result is that race is functionally erased from the celebration in favor of symbolic reconstructions of post-racial harmony. Speakers do mention and do represent African American activists and organizations, however, the experiences are constructed as shared, both black and white experience as the same.

The erasure of race is not unique to public commemoration; however, it can occur in different ways. The speakers in this ceremony employ what Mark McPhail terms a “rhetoric of coherence” in order to elevate unity shared experience over potential differences. McPhail writes that a rhetoric of coherence seeks to establish a “pre-existent reality” that privileges one interpretation over another: “Coherence allows us to consider seemingly competitive positions as complementary.”⁶³ Therefore, a rhetoric of coherence alleviates the need to engage with the discursive markers of race in depth, while still allowing speakers to praise African Americans that overcame discrimination without blaming anyone for discriminating against them. In other words, a rhetoric of coherence establishes a symbolic world in which the oppressed can be liberated without mention of the oppressors. By privileging inclusion, the commemoration deploys a world-view wherein Kansas’ role in the conflict was to offer a pathway forward, not to admit that Kansas had a problem of segregation in the first place. Inside these generic constraints, then, speakers are free to acknowledge the plight of the families who fought on behalf of their children and

⁶³ Mark Lawrence McPhail, *Zen in the Art of Rhetoric: An Inquiry into Coherence* (Albany: State University of New York, 1996), 82.

celebrate the state legislators who worked to commission the mural, who fought to include the mural, without having to dwell upon potential roadblocks during the celebration.

Finally, it is crucial to address the effects of the symbolically constructed Kansas-the-Free-State identity of an underappreciated progressive place in relation to the national debate concerning a public school system *more* segregated than it was in 1954. Although the dedication ceremony presents a unified message about equality and achievement, there are hints at potential difficulties ahead. Kevin Myles of the NAACP and Janet Thompson Jackson of the Brown Foundation both represent more nationally focused organizations and, one can assume, frequently speak to national audiences as opposed to the other speakers from primarily Kansas-centric organizations.⁶⁴ Although they are all speaking in the same place to mark the same occasion, Myles and Jackson construct their audience differently than the other speakers, with a finger on the pulse of the national conversation on equality and race. Neither Myles or Jackson is singularly focused on the twin goals of commemorating *Brown* and the mural. Instead, they invoke “gridlock” and the “work left to be done.” This juxtaposition of national concerns with regional identity building reveals a fissure in the construct of the 64th anniversary of harmony and diversity, further emphasizing the function of non-monumental anniversaries as embracing

⁶⁴ Linda Brown Henderson is the one overlapping exception here, but we can see that she applies her speech in this situation as primarily a Kansan, celebrating her family and ties to the region, rather than as the founder of an organization working to better understanding of the decision.

regionalism. Myles and Jackson, although praising the celebration of the accomplishments of Kansas, cannot betray their larger, organizational directives of bettering the political, social, and economic positions for African Americans. This recognition of the larger context proves a complicating factor for understanding the ceremony as a coherent commemorative event.

Representing the national NAACP office, Kevin Myles' speech sets the stage for inclusion, defining the coherence that he seeks to provide for his audience, but he also takes the time to contextualize the current political climate of division. Speaking explicitly about the present political divides in the United States, Myles establishes a narrative wherein the mural should provide hope because it literally depicts that we have crossed such divides before. Disagreement, Myles says, does not mean that folks lack the "capacity to move forward."⁶⁵ The mural, he says, depicts clear sides – an us versus them scene where people have disagreed and hard work led to a resolution. The mural "commemorates a shining example of what we can do when we all come together" and can serve as a challenge and inspiration to those present who believe that the current climate seems unwinnable.

The two national speakers bookend the ceremony, with Jackson representing the Brown Foundation offering the closing remarks. Jackson's speech builds on the picture of Kansas that has been established throughout the ceremony, but she continues on to say that the work of the foundation is "bigger than Kansas. Bigger

⁶⁵ Ryan, "Brown v. Board of Education Mural Ceremony," (19:09).

than the Brown family.”⁶⁶ The mural is a step on the journey, but there is still work to be done. By emphasizing this point, Jackson is extending the shared conception of community that has been offered to the audience during the other speeches. It is almost as though she issues the challenge for the future: Kansas is great, so you have a role in helping to make the world a better place. Together, these two national speakers are hesitant to offer speeches that are solely celebratory. While the regional speakers explicitly call out Kansans for their contributions to civil rights and their long-held, underappreciated, progressive heart-land views, the two national speakers characterize the legacy of Brown in terms of the larger narrative of those still searching for the resolution and harmony that the integrated class at the forefront of the mural depicts.

However, I argue that Myles and Jackson’s admission of a battle yet to be won actually reinforces the progressive Kansan identity that the other speakers have constructed. For one, neither Myles nor Jackson criticize Kansas – or even engage specifics about the state of public education. Both speak in generalities about journeys, steps, and potential disagreements. Furthermore, their contributions otherwise adhere to the generic constraints of epideictic discourse. By contributing to the narrative of *Brown* as a catalyst for change, Myles and Jackson can capably address yet-to-be-accomplished general goals and still perform the functions of contributing to a communal identity of shared hope.

⁶⁶ Ryan, “Brown v. Board of Education Mural Ceremony,” (53:08).

Both speakers suggest the past can show a way forward in the future, constructing a timeline than an audience can join changes already in progress. Myles states in his speech, “I want you to be challenged, because if we are honest,” the current climate is characterized by “gridlock.” By caging his observation as a confession, he is able to carefully draw a distinction between the accomplishments of the past and the problems facing the audience now. Jackson makes a similar distinction when she states that the legacy of *Brown* “is bigger than Kansas,” insinuating the continued push for equality is for other, non-Kansans.

Even as the national context acknowledges the lack-luster track record of school desegregation cases, the epideictic formalism favors a rhetoric of coherence reinforcing the counter-regional identity that Kansans have used the anniversary to deploy: Others still have problems; but here, in Kansas, we celebrate the shining example of *Brown*. In this way, it is clear that although activists and advocates for eliminating *de facto* segregation (which these speakers certainly are) do not believe their work to be complete, the mural and anniversary constitute an important benchmark, or as Jackson says, “a big beautiful step,” that bolsters Kansas’ counter-memory of the case, and therefore their counter-regional identity.

National Historic Site and Brown v. Board of Education Museum

Later, on the evening of May 17, the commemorative event at the National Historic Site institutionalized Topeka’s counter-narrative of calm integration, legitimizing the counter-memory *Brown* by lending the gravitas of the *Brown v. Board of Education* museum to the articulation of the counter-region. As the second

of three events in Topeka, it consisted of a small gathering of local participants, who convened for a History Day play, the screening of a short documentary, and a panel featuring three African American life-long Topeka residents – all elementary students in 1954. Although a small event, my analysis will show that it was the most complex of the three commemorations, supporting the interpretations of both harmony and regret and most clearly articulating counter-memory of the case. Absent the formal epideictic constraints of the earlier Capitol mural dedication, the evening event was characterized by a much more local feel – reminiscences among friends, rather than a carefully crafted message for a broader audience. Without engaging in participatory critical rhetorical practice, this commemorative text would have been inaccessible. Likewise, the perspective of a museum visitor would have been more difficult to assess without personally exploring the exhibits in the museum. To establish the context for the event on the evening of May 17, I will first report my experience as a visitor during the day at the National Historic Site (NHS) before turning to engage with my experience as an audience member at the 64th anniversary commemorative event that evening. Juxtaposing these two experiences illuminates the tension present in the museum between remembering *Brown* as a *lieux de memoire* for the nation and the ownership Topekans exert in remembering the case for Topeka.

My first encounter with the museum, as I alluded to in the opening of this chapter, consisted of traversing a mostly empty parking lot, touring a deserted museum, and discovering that Topeka was a lot easier to navigate than I had anticipated. For this initial encounter with the museum, I had aimed to have as “typical” a visit as possible. I arrived to tour the museum, unannounced as a

researcher to carefully explore the exhibits, but not take copious notes.⁶⁷ The museum features stories, a multiplicity of voices designed to foster identification and increase representation for visitors. Although once perceived as a static displays of artifacts, by the 1980s museums had become the subject of a critical gaze that drastically changed their function and composition. Elian Hooper-Greenhill tackled this critical turn in her 1992 book, *Museums and the Shaping of Knowledge*, where she not only engages with a critical history of the museum field, she lays out premises for how the “new museum” should operate.⁶⁸ Informed by a Foucauldian approach, Hooper-Greenhill concluded that the museum community could no longer pretend to operate as the “nationalistic temple” because knowledge was a form of commodity.⁶⁹ Such a critical shift in the theoretical approach to museum studies meant the typical practices of museums needed to be altered as well.

Museums carry a lot of cultural weight as institutions, a position they have enjoyed for centuries. As Jens Andermann and Arnold de-Siminie explain, museums

⁶⁷ I did endeavor to photograph most of the exhibits, but planned to do so judiciously because, in the age of terrorism, taking copious photos of national or controversial structures can draw unwanted attention from security. To my pleasant surprise, since I toured the museum almost entirely alone, it was easy to photograph most of the exhibits and displays to reference later without much trouble.

⁶⁸ Elian Hooper-Greenhill, *Museums and the Shaping of Knowledge* (London: Routledge, 1992). For a later, retrospective account of the critical turn in museum studies, see Randolph Starn, “A Historian's Brief Guide to New Museum Studies,” *The American Historical Review* 110(2005): 68-98.

⁶⁹ Hooper-Greenhill, *Museums and the Shaping of Knowledge*, 1. This is not to say that there are not national museums, rather the de facto position of museum as national shrine and curated elevated objects has given way to a theory of museums that deliberately interpret the relationships and power structures carried by those same objects.

are performative and intersubjective.⁷⁰ Museum scholar Janet Marstine notes, that in the United States, museums are one of the most trustworthy sources of education for school children. Drawing from an American Association of Museums (AAM) survey, Marstine discusses the revelation that museums outweighed books and television news as a trustworthy source of information, insisting that they bear a responsibility in cultural framing, enacting “a vision of the past and the future based on contemporary needs.”⁷¹ Trusted as a cultural institution, museums operate in a variety of capacities, setting aside room for exploration and intersection as well as space for public gathering and collective experience. In other words, to borrow from Hilde S. Hein’s articulation, museums function as “reservoirs of meaning,” and prove capable of mediating “among and between social groups.”⁷²

Hooper-Greenhill’s critical turn reordered the museum field, and although they had already begun to accommodate the idea of pluralities of history, museum scholars began to explore more intensively how curatorial practice could direct meaning-making processes. Museums that emerged thriving from this critical turn were those able to shift from a traditional cabinet-of-curiosities, which precluded interaction, to an interactive model, centered on a more direct experience for the visitor. Of course, this does not mean that all museums who moved to incorporate

⁷⁰ Jens Andermann and Silke Arnold-de Simine, “Introduction: Memory, Community and the New Museum,” *Theory, Culture & Society* 29, no. 1 (2012): 1.

⁷¹ Janet Marstine, *New Museum Theory and Practice: An Introduction* (Malden, Massachusetts: Blackwell Publishing, 2006), 4.

⁷² Hilde S. Hein, *The Museum in Transition: A Philosophical Perspective* (Washington, D.C.: Smithsonian Institution, 2014), 39, 55.

new museum theory became wholly interactive or tourist-centered; it does mean that the museum field as a whole had to reevaluate how to fulfill their mission of education, maintaining trust in the institution, while re-evaluating their historical role as the guardians of antiquities.

One critical element of this shift is the central role that objects and, more broadly, collections play in the role of museums. The *Brown v. Board of Education* NHS is unique in that most of its exhibitions feature panels, interactive technologies, and oral histories, not objects.⁷³ Hein writes that new museum exhibitions, as a by-product of their focus on experience, often function as the Cheshire Cat would: “the grin on the face of the Cheshire cat can persist happily and even be recalled without the feline body to support it.”⁷⁴ Although critical of the absence of objects and the preferential position of the “virtual image,” Hein acknowledges that there are contexts in which the actual objects may not be necessary for crafting the experience.⁷⁵ The exhibits at the NHS offer interactive opportunities for visitors to touch, feel, and experience the *Brown v. Board of Education* cases through a variety of different media. There are laminated pages to flip through, touch screens to interact with, and buttons to initiate videos. In the first exhibit hall, I was able to learn about all five

⁷³ This may be a function of the nature of collections in museums that focus on African American subjects, as Lonnie Bunch explained with the opening of the Smithsonian African American Museum of History & Culture. However, since contemporaries of this story were still living when the museum was establishing its design and collecting practices, I would not be surprised if this were a deliberate decision based on space or a narrow curatorial mission.

⁷⁴ Hein, *The Museum in Transition*, 77.

⁷⁵ Hein, *The Museum in Transition*, 77.

cases and how to advocate for change, all while I stood beneath a larger than life timeline, complete with names and faces of key players in the fight for integration. These types of visitor experiences do not require the material support of objects because the display centralizes the power of people and action, something more traditionally collected objects behind glass may not convey.

The visitor-centric museum engages the participant in the process of meaning making as a part of their experience in the museum. Specifically, new museum theory privileges the experience of the visitor, as illustrated in a diagram included in Randolph Starn's critical history from *The Manual of Museum Exhibitions*, where "THE VISITOR (target)" is depicted as a central point of concentric circles, throughout the separate phases of development, design and implementation.⁷⁶ By centering the visitor at all levels of curatorial direction, the "criterion for success" becomes achievement of "affective experience, inducing new attitude or interest, not whether visitors walk away from the museum having learned specific facts."⁷⁷ As Weiser notes, "In today's diverse nations, visitors are not merely told the story; they

⁷⁶ Starn, "A Historian's Brief Guide to New Museum Studies," 93.

⁷⁷ Not all curatorial practice centers on the visitor. For example, Hein asserts that visitors are only a part of any stakeholders consideration, alongside the professional staff, donors, scholars and academics. Hein also emphasizes the need to include perspectives of those rendered invisible by traditional museum displays, like the enslaved population of Colonial Williamsburg which was originally absent from historic interpretation. Given the discussion of museums as negotiated sites of meaning and their productive power to offer a community a space in which to articulate a different narrative, I have chosen to maintain focus on the visitor-centric approach; *The Manual of Museum Exhibitions*, quoted in Starn, "A Historian's Brief Guide to New Museum Studies," 92.

are encouraged by their experience of the space to re-create the story within themselves.”⁷⁸ This approach is not insulated from criticism, but it does well to illustrate the tension in the museum field about the continued role for museums in a globally-influenced, pluralistic society.⁷⁹ Weiser argues that “successful museums embrace ambiguity, composing out of the communal imaginary a collective narrative with which, to remain relevant, they *must* invite individuals to engage.”⁸⁰ As such, a visitor-centric approach can facilitate the process of region-making. If the goal of an exhibition is to create an affective experience or to serve as a heuristic for engagement with “new attitude[s] or interest[s],” than the productive role of the new museum for a community is to provide the space for encounters that influence the collective narrative.

Museums not only exist to educate, but they have become spaces of community identity and involvement. The shifts in the field approach the museum as an institution, to borrow from Andermann and de-Siminie, of “practice-related

⁷⁸ M. Elizabeth Weiser, *Museum Rhetoric: Building Civic Identity in National Spaces* (University Park: Pennsylvania State University Press, 2017), ebook preview, Chapter 1.

⁷⁹ Also noteworthy is the design of museum exhibitions, and whether they offer visitors a linear or serial (multiple) pathway through the museum. Such design decisions can reinforce hegemonic discourses or open up alternative ways of seeing. There are also a variety of technologies which can facilitate a hybrid of these two approaches; see review of this discussion in Starn, “A Historian's Brief Guide to New Museum Studies,” 97.

⁸⁰ Weiser, *Museum Rhetoric*, Ch 1, emphasis original.

positions of memory, place, and community.”⁸¹ As a fixture in Topeka, the *Brown v. Board of Education* museum hosts community events for a variety of occasions.⁸² Functioning as a communal gathering place, museums often occupy multiple roles, where the “constitutive elements” of museums are in a “constant state of flux.”⁸³ In this way, we can understand museums as a space subject to constant change and sites of negotiated meaning. The internal debates in the museum field signaled, as Hein notes, “a fundamental reconstruction of the museum’s identity... the promotion of multivalent plurality.”⁸⁴ Privileging the participation of a multiplicity of voices, both displayed in and welcomed to, as a part of the museum further opens up the space to competing interpretations, intersections, and engagement. As Randolph Starn explains, museums are “repositories of the future as well as the past.”⁸⁵

Privileging a multiplicity voices, however, does not mean sacrificing a coherent central message. Museums educate, and in doing so, elevate shared values, through a particular framing of the past and visions for the future. Museums act as constitutive sites for communities and regions, and in the case of the *Brown NHS*,

⁸¹ Andermann and Silke Arnold-de Simine, “Introduction: Memory, Community and the New Museum,” 2.

⁸² Although this chapter is specifically focused on the anniversary commemorative events, the *Brown v. Board of Education* museum also holds events for charity, awards ceremonies for recognition, as well as other gatherings and film screenings throughout the year. These events are in addition to the rental of space for classes and/or gathering in the superfluous classroom on the first floor.

⁸³ Hooper-Greenhill, *Museums and the Shaping of Knowledge*, 196.

⁸⁴ Hein, *The Museum in Transition*, 77.

⁸⁵ Starn, “A Historian’s Brief Guide to New Museum Studies,” 98.

counter-regions. M. Elizabeth Weiser argues that “museums bridge the gap between... hegemony and anomie.”⁸⁶ Museums trade in the currency of knowledge, as a trusted institution that can bring a community together. Consequently, even a national museum can promote a space in which region-making occurs, encouraging either adherence to or a different articulation of, community values. In Topeka, the *Brown v. Board of Education* museum functions as the space for residents to gather to articulate their counter-memories, further supporting the development of the counter-region, relying on the institutional power the museum to provide legitimacy.

Finally, it is important to recognize that these processes remain ongoing. In the same way that Powell articulates the temporary and contingent interpretations of critical regional, it is crucial to understand that the negotiated meanings at museums are not evergreen. Although new museum theory represented the critical turn in museum studies and re-interpreted the foundational structure of the institution, museums are still a part of the landscape of re-collection. Museums are an example of the way that, as Weiser notes, “public memory is emplaced, forged in the interaction between people and sites: ‘places of memory are *not* finished texts, but sites of re-collection.’”⁸⁷ In what Roger C. Aden, Min Wha Han, Stephanie Norander, Michael E. Pfahl, Timothy P. Pollock Jr, and Stephanie L. Young term both “a process and a

⁸⁶ Weiser, *Museum Rhetoric*, Ch 1.

⁸⁷ Weiser, *Museum Rhetoric*, Ch 2.

product,” re-collection describes “an ongoing process of organizing what we call discursive fragments of memory into coherent bodies of meaning.”⁸⁸

Collecting experiences and ordering them into coherent bodies of meaning requires a methodology of participatory critical rhetoric. It is difficult to apply a critical sensitivity which accounts for both the institutional museum function of codifying the past and the contemporary expression and use of space. In the halls of the Monroe School, the tension is clear. Its function as an NHS suggests a timeless quality, where it will forever be preserved as a school to teach Americans about past injustices and the fight for equality. Its function as a community space, however, participates in the ever-evolving process of region-making, and specifically at the 64th anniversary it provides space for the articulation of counter-memory of calm integration that works to shape the counter-region. As Weiser articulates, “public memory is...where place aligns with narrative to create collective identity.”⁸⁹

Although the museum fosters contingent and temporary community gatherings, there is a tension between the need for exhibitions to withstand the test of time, and the need for a community’s stories to be reflected accurately. The museum’s function means a steadfast hold on the past, but an anniversary bridges the gap, opening up space for a community to re-engage with the past. However, this means that only

⁸⁸ Roger C. Aden, Min Wha Han, Stephanie Norander, Michael E. Pfahl, Timothy P. Pollock Jr, and Stephanie L. Young, “Re-collection: A Proposal for Refining the Study of Collective Memory and its Places,” *Communication Theory* 19, no. 3 (2009), 313.

⁸⁹ Weiser, *Museum Rhetoric*, Ch 1.

certain types of audiences ever get to experience that connection – for instance, school groups who come to visit and learn from rangers during the day are not likely to overlap much with the audience who comes to the film screening and to hear the residents talk in the evening.

Exiting the freeway on the eastern edge of Topeka, I was greeted by a dilapidated, closed hotel and some old industrial buildings. Winding past road construction barriers, I turned into the gravel parking lot that sat about 100 yards across from the entrance to the Monroe School. On my way into the museum, I paused to explore the few exterior panels, located on the sidewalks around the building. These panels directed visitor attention surrounding neighborhood with maps, pictures of “notable neighbors,” and information about the state-of-the-art geothermal heating/cooling system installed for the building.⁹⁰ Once inside the museum, I was greeted warmly by a woman, who stepped out of the giftshop to give me a 20-second orientation to the four elements of the museum, including a warning about offensive language that I might encounter. The foyer of the Monroe School had been restored to its original aesthetic: a two-story brick schoolhouse with wooden accents and tiled walls. The building was completed in 1927, and in the same style of

⁹⁰ These displays also included a brochure of the “Brown to Brown” driving tour and specific mention of the Historic Ritchie House, a historic house museum nearby. The panel explained that the Ritchie House was a structure of significance from the Reconstruction Era, when “a large surge of African Americans... came [to Kansas] in search of new freedom and opportunities.” As this inclusion demonstrates, there is a larger chronological narrative of Kansas as a progressive place of freedom, beyond contextualizing the Monroe School in Linda Brown’s era; See Figures 1-3 in Appendix A.

other public school buildings of its era, features large windows in the classrooms and a grand entryway complete with vaulted ceilings, embodying the dynamics of a school building as “civic monument.”⁹¹ By restoring the aesthetics of an early 20th century school, the museum connotes the importance of schooling and education to the story of *Brown*. As discussed in Chapter Three, the building was scheduled to be razed before the Brown Foundation, led by Cheryl Brown Henderson, lobbied to save the Monroe School. It was initially acquired by the Trust for Public Land and later transferred to the National Park Service and developed into the museum, which opened in 2004.

Following the directions I was given, I headed down the hallway to the orientation video past a small display about permissive segregation and architectural-scale models of segregated school buildings. Much to my surprise, hanging above the hallway were signs reading “White” and “Colored,” symbolizing the history of public segregation in the United States. These signs, although out of place in a historically black school, echoed the more familiar narrative of separate racial accommodations providing a familiar touchstone of the dominant civil rights story for a visitor.⁹² I began my touring day with one of the four elements to the museum’s exhibits, an introductory film titled, “Race and the American Creed.” Split into five, five-minute chapters and played on a loop, the film features an elder African American man

⁹¹ Amy S. Weisser, “‘Little Red School House, What Now?’ Two Centuries of American Public School Architecture,” *Journal of Planning History* 5 (2006): 196-217.

⁹² See Figure 4, Appendix A.

conversing with a younger, African American college-aged woman about the rich complexity of African American history. Based in the African American oral tradition of storytelling, the two characters are occasionally accompanied by a Greek chorus and archival newspaper clippings. Although difficult to describe, the video plays across three screens, hanging from the ceiling in the school's mixed-use auditorium/gymnasium; sometimes the screens share identical images and sometimes the images differ, coordinating the archival newspaper clipping with a continued video of the two characters or the chorus. After I was satisfied I had seen the whole film, a 25-minute trek across centuries of history, I crossed the hall to enter, "Demanding Equality Under the Law," an exhibit featuring larger-than-life panels and photographs, quotes and timelines, all aimed to orient the visitor to the people involved in the five cases known as *Brown v. Board of Education*.

Following the critical operation by Carly S. Woods, Joshua P. Ewalt, and Sarah J. Baker of reading two spatially differentiated museum displays together, I juxtapose two interactive displays in this section of the museum to illuminate meaningful construction of visitor experience.⁹³ Focused on the processes of demanding change, the exhibit hall featured a few different hands-on opportunities, along with a short video about each of the five Brown cases. There were two intensely interactive displays, a gamification of the case called "Road to Justice" and an immersive experience called the "Hall of Courage," both aimed at increasing the

⁹³ Carly S. Woods, Joshua P. Ewalt, and Sarah J. Baker, "A Matter of Regionalism: Remembering Brandon Teena and Willa Cather at the Nebraska History Museum," *Quarterly Journal of Speech* 99, no. 3 (2013), 342.

visitor's identification with the process of fighting for desegregation. The first display, "Road to Justice," incorporated a gamified choose-your-own-adventure experience, featuring highway street that offer the player a choice to follow one of two paths: 1) "To Try to Get a Better Education" or 2) "Accept Things the Way They Are."⁹⁴ Having selected to obtain better education, the player must then select three allies from pictures on the screen, but as they are selected each potential ally offers a reason for their support or rejection.

Each step in the lengthy game follows this pattern, repeatedly following the selection of one element with an additional fork in the road. When a chosen strategy, such as petitioning the school board fails, the player is given an opportunity to attempt another option or "Give Up" by choosing a yellow yield sign. Ultimately, the tenacious player employs the "strategy of equalization" and survives multiple court appeals is rewards with a photo of an integrated classroom and the message of: "Congratulations! This time you've really won. A judge rules the system must obey the Supreme Court ruling. This school bell is ringing. Don't be late!" Although presumably designed to appeal to younger visitors and teach through affective experience, the entire game takes quite some time to finish. As I flipped through the screens deliberately documenting each step, I found attention slipping, wondering if I would *ever* successfully desegregate schools. Thus, the gamified experience created a

⁹⁴ See Figures 5-10 in Appendix A. For more on gamification, the act of incorporating "game design elements in non-game contexts," see Stefan Stieglitz, Christoph Lattemann, Susanne Robra-Bissantz, Rüdiger Zarnekow, and Tobias Brockmann, *Gamification: Using Game Elements in Serious Contexts* (Switzerland: Springer International, 2017), 6.

successful affect, where even if the facts remained elusive, I as the visitor could understand the slow progress and sheer difficulty of achieving the objective of integrated schools. At a more elementary level, I can imagine even the most determined second-grader walking away from the game with the impression that it was “hard.” Thus, the interaction presented in the “Road to Justice” fulfills the goal of instructing visitors about the lengthy and difficult process of challenging segregation in the American court system.

The second interactive display is immersive in nature. The “Hall of Courage,” an element of the museum which got a lion’s share of the preview press coverage before the museum opened in 2004, just beyond a panel featuring larger than life photographs of a white mob shouting down a black teenager.⁹⁵ As I passed this panel, the path narrows and the lights dim. Stepping into this space triggers sound and lights up screens. Immediately, I was front and center, being shouted down by a white mob; a quick cut, and I was face-to-face with a young white man, telling an interviewer about the “natural way of things.” As the video continued, images of water hoses and barking dogs flashed on the screens, interrupted by more yelling (and the offensive language I had been warned about at the gift shop). It was a visceral scene, and I had to pull myself out of the moment and the sheer despair I felt in order to move into the next exhibit room. The video plays on a loop and the hall is so dimly lit that the mob is the only thing that guides you through. Walking through, you almost want to hunch – even though there is plenty of space.

⁹⁵ Photos included to show scale; see Figures 11-13 in appendix A.

In contrast to the “Road to Justice” game, the “Hall of Courage” is an immediate and overwhelming experience. In a just a few seconds, the visitor is surrounded by ire, by hate, and by fear. The physical design of the Hall of Courage elicited a claustrophobic feeling for me, and even though it is a short, straight hallway, I did not feel as though I could easily leave. Thus, the affective experience of this display is immediate and visceral in a way that could not be achieved by a choose-your-own-path game. Obviously, the two displays do not set out to produce the same affect, however, it is worth noting that while only a few visitors may interact with the “Road to Justice” game, most visitors will interact with the Hall of Courage. Further, the two displays aim to invoke very different lessons. While the game aspires to teach you that the process is long and difficult, the emotions induced by the Hall of Courage may not reliably result in a lesson, but it definitely results in a reaction.

The rest of the museum follows the same basic principles of design and flow, connecting Brown to segregation in housing and public accommodations while elevating the importance of education. As I continued through the second main exhibition hall, museum fatigue that began to set in and I noted that I had only seen about four other visitors in the more than three hours I had been touring. In a good-faith effort to tour the entire museum, I crossed the hallway to explore a classroom, interpreted to be an all-black Kindergarten classroom complete with tables, desks, and a piano. Warm and sun-lit, I wandered the classroom, noting the alphabet chart on the wall and the portraits of important figures. Still alone, I found my way back to the gift shop, poked around the small room for a few minutes, chatted with the same

woman who had greeted me and then continued on my way, leaving the museum behind.

My experience in the *Brown v. Board of Education* museum as a visitor was informed by my subject position as a rhetorical critic, researcher, and white woman, raised in Texas. Familiar with the five Brown cases and well-versed in the conflicts that followed, my approach to the museum was focused on when and how information was displayed and what message the exhibits construed. I approached the NHS *expecting* a national narrative, an expectation that was confirmed. The exhibitions advanced a narrative of education as crucial to progress, emphasizing that although the journey may be difficult, it is worthwhile.

Upon my return to the museum the following day, May 17, it was bubbling with life, very different than the previous day's empty parking lot and quiet atmosphere. I exited my car, took stock of the scene, and made my way towards the mural that was being painted across the street from the museum. The artist, Michael Toombs, was talking to the young kids under a tent in front of him. He explained how they were going to paint with acrylics, which would never come out of their clothes. "Take your time and stay inside the lines," Toombs told them, asking them to repeat him. "TAKE YOUR TIME AND STAY INSIDE THE LINES!" came the sing-songy cheer. I headed into the museum, but was no longer one of a few visitors, I began touring the museum again accompanied by upper elementary school students laughing and talking their way through the exhibits.

After making quick loop through the exhibits, I headed back outside chat with Toombs about his mural. Eating lunch while spritzing down his paints, he rattled off

the specs of the project, pointing out specific elements of the mural to me as we walked along. Toombs explained that the artwork had been submitted by local school children, and that the lower section of the mural was the “community” artwork, where members of the community were helping paint the foundation of inspirational words, which would be followed by a team of local artists who would fill in the upper sections of artwork. He called someone over to take a picture of us in front of the mural, which I understood to signal our time was up, so I thanked him and headed back over to the Monroe school building.

Unsure of where to continue my visit, I re-entered the gift shop to select some souvenirs to bring back home. I chose a few books and began looking at the children’s books when the volunteer working the store asked if I was from out of town. (Apparently, I don’t look like I’m from Topeka.) As we began chatting, I mentioned my research and she declared, “well how wonderful you’re here *today*.” She introduced me to an Interpretive Park Ranger, Dexter Armstrong, who offered to take me on a tour of the museum. This conversation with Armstrong was the first indication of a counter-memory at work in Topeka. Using the architectural scale models in the foyer, he explained that segregation in Topeka made a good test case for the NAACP because schools like Monroe were modern and well-resourced, unlike the other model of a one-room school house in South Carolina. Armstrong explained that in Kansas, only the larger towns and cities were segregated while the rest of the state was not. This, he emphasized, was Topeka’s legacy -- and what is often misunderstood about *Brown*. As we moved through the museum, he began to frame our conversation as what he “does” on tours, rather than giving me a tour directly.

Although there was a younger school group exploring the room interpreted as a kindergarten classroom, Armstrong ducked in to retrieve a laminated copy of an archival letter. He said that with older school groups (up through college) he asks them to be lawyers. *How would you prove your case? Wouldn't teachers be good witnesses to inequality?* Then he introduces the letter, which informs all black Topeka teachers of their dismissal.

Emphasizing that Topeka's legacy does not fit within the typical segregation story, Armstrong expressed the challenges of navigating a wide age-range of visitors. Engaging with the *real* story of segregation, he said, means that perhaps there can be some real growth regarding racial tensions and division in the United States. As we talked, I asked him what parts of the museum he appreciated most, and what was most difficult. He explained that often those were the same and it was the confrontation in the Hall of Courage, for example, that was both difficult and rewarding. Similarly, he offered the year 1962 on the timeline as another point that is both useful and challenging. Representing the year his mother was born, Armstrong explained that it was in these places where he had to confront the way his blackness resonates in 2018, not just how it related to 1954. Whereas the static displays at the museum advanced the national story, the space inside the museum was actively developing Topeka as a counter-region. Like a Russian babushka doll, the counter-memory of Topeka was cleverly tucked away in the institution of the NHS.

Contrary to the mural dedication earlier that day, there were no television cameras, no large gathering, and no representatives from the Brown family in attendance at the commemorative event at the museum on the evening of May 17.

However, gathered in the Monroe auditorium were residents of Topeka for whom the anniversary of Brown provided a chance to commemorate the impact of *Brown* on their live(d) experience. Consistent with the tropes of non-monumental anniversaries, the event focused on a smaller, highly regionally-focused engagement with the *Brown* decision. Highlighting the counter-narrative of “calm integration,” the event characterized the legacy of Brown in contrast to the typical civil rights scenes of violence and resistance.

Organized by Interpretive Ranger Mynesha Spencer, the evening showcased the counter-memory of Topeka. Each element, although disjointed from the others, advanced the narrative that *Brown’s* impact was different than generally understood. There was a strange song-and-dance to the formality of the whole evening. A majority of the folks in the room, including the Rangers, knew each other fairly well. And still, there were opening remarks and semiformal introductions. Three eighth graders from Fort Collins, Colorado performed their History Day competition play entitled “The Untold Story of Corinthian Nutter.” The students explained that they when they first visited the *Brown v. Board of Education* on a school trip, they learned about a black boycott of the Walker School in 1948, one of the Kansas cases preceding *Brown*. Having completed more research into her story, they were inspired to tell her story, as an unsung hero who continued to teach children in her own home while the school was closed. This was warmly received by the audience of elderly Topekans, who vocally supported and gave them a standing ovation.

The play was followed by a screening of a short document, entitled “Someday: The Unexpected Story of School Integration in Orange County, Virginia,”

which centered on the story of Orange County, located in central Virginia, and the efforts to integrate via interviews with officials and residents, both black and white, who were involved in the desegregation of their local high school in the 1960s.⁹⁶ Not far from Prince Edward County, Virginia, where following their loss in the *Brown* decision the school board closed public schools for five years, officials in Orange County pressed forward with their plans to integrate. Although the film was rudimentary in development and execution, the message was abundantly clear: nothing happened. Interviews with residents revealed that, despite the climate of resistance in the state of Virginia, no mob ever formed, and no opposition occurred. Their children went to school and nothing happened. In conjunction with the student play, the film set the tone for a discussion of Topeka's experience as an under-exposed narrative of calm integration.

The evening culminated in a panel with three black residents of Topeka who all attended segregated schools before *Brown v. Board*. In their reminiscences, prompted by questions from the audience, they articulated a connection between the accomplishments in their lives as adults and their experiences as youth. There were references to being “just kids,” attending school only partially aware of their day-to-day lives were changing.⁹⁷ As these residents gathered, to share and to listen, their

⁹⁶ “‘Someday’ Airings Scheduled,” *Orange County Review*, September 8, 2017, https://www.dailyprogress.com/orangenews/entertainment_life/someday-airings-scheduled/article_66e454a0-94bf-11e7-ac59-3b3a3434ab2b.html; “Newest Video: Someday,” *AHHA Productions*, 2017, <https://ahha.radiohistory.net/page/>.

⁹⁷ As I listened, I could empathize with this position, based on my own experiences with busing and boundary-shifting in the Dallas Independent School District in the 1990s when the district finally achieved “unitary” status. Although in elementary

method of commemorating *Brown* consisted of reclaiming their memories from the machine of public memory that had circumscribed their city into the national imaginary. Gathered in the auditorium of the Monroe School, the museum provided the space for the collective function of region-making. One of the attendees I met at the event, Marty Patterson, turned out to be an activist in the advancement of Topeka's counter-memory, intent on bringing together black residents who attended segregated schools in Topeka to share their stories, Patterson explained she grew up in the Pacific Northwest, thinking that every integration story was like what she saw on television: National Guard Troops and angry mobs blocking black children from entering schools. When she moved back to Topeka and visited the *Brown v. Board of Education* museum, she recognized one of the girls in an archival photograph on the wall. Frustrated with the way that public memory of integration focuses on the Brown family, Patterson endeavored to bring together folks whose memories were also a vital part of Topeka's desegregation story. As it turned out, Patterson was integral in organizing the panel that evening. I had not anticipated the counter-regional emphasis of the event, and I sat as a participant in the audience that evening, soaking up the narrative of how none of these students remembered anything harsh or violent, but how they all came to miss the safe space and caring teachers of their original, segregated elementary school. Intertwined with their articulation of harmonious

school, I can vividly remember the shifts in busing patterns and the reality that some of my friends did not return to my school the following year.

integration in Topeka was the sting of regret about the loss of black spaces that helped to propel them into the people they were today.

Throughout his commemorative event, I witnessed the in-person work of articulating identity, legitimized by its location at the NHS which provided additional institutional support to the expression of counter-memory. On one hand, gathering in the NHS, a space designed to nationalize the memory of *Brown*, may artificially prompt their expression of counter-memory, physically reminding them that the national narrative of desegregation is one they have to actively work against. On the other hand, gathering at the Monroe School may be confirmation of their regional ownership of a space they never really surrendered to the national landscape of public memory. Through their expression of harmony and regret, the participants (both on the panel and in the audience) add their personal memories to the aggregate of the collective memory of the case and its impact in their community. This articulation of counter-memory, which pushes back against the nationalized and static representations in the museum exhibits, constitutes the counter-region by adopting the community space of the museum as for Topekans, not for the nation.

Conclusion

Critical regionalism seeks to disrupt the narrative, engaging with the task of region-making, exploring the tension between the national narrative of *Brown* and the Topeka-centric counter-narrative. The 64th presents an opportunity to re-claim the legacy of *Brown* from the larger, cultural touchstone which ignited so much debate. Topekans advance a counter-memory of a *Brown* beyond the namesake family and

beyond the challenges it presented. By contrasting individual and communal experiences of calm integration with nation stories of violence and resistance, the 64th anniversary commemorations in Topeka function as counter-memory. As Powell expresses, critical regionalism explicates what seems like a unique, “contradictory moment,” but is actually a part of a larger, networked regional pattern that articulates why region operates differently than the rest of the nation.⁹⁸ In doing so, the counter-regional constitutes an identity, focused on action. By the 64th anniversary of *Brown*, I conclude that the residents of Topeka participate in commemorative events that fulfill their desire to focus on what Kansas did *peacefully*, advancing a counter-memory of difference and of achievement, focused on future goals, not past failures.

⁹⁸ Powell, *Critical Regionalism*, 18.

Chapter 5: Conclusion

Decided on May 17, 1954, *Brown v. Board of Education* outlawed segregation in the United States, declaring that “in the field of public education the doctrine of ‘separate but equal’ has no place.”¹ The Supreme Court’s decision in *Brown* created a pathway for enforcing equal protection under the law. As an important legal decision, *Brown v. Board of Education* occupies a prominent place in American public memory as both a formative legal and a cultural touchstone. In the more than 60 years since the decision, it has been remembered in various ways. This dissertation focused on three annual commemorations, the 25th in 1979, the 50th in 2004, and the 64th in 2018, in an effort to trace the construction of public memory of *Brown* and engage with the implications of those commemorations. Investigation of these commemorations elucidated attempts to redefine and shape the memory of *Brown* at anniversaries in addition to examining the constitutive dimensions of regional and national identities as mapped out in public memory of *Brown*.

In this conclusion, I extend James Boyd White’s theory of justice as translation as a way to address persistent segregation in the United States. As I laid out in Chapter One, if White is correct that the “object of rhetoric is justice: the construction of a social world,” then the study of the public memory of *Brown* at anniversary moments elucidates a way in which re-telling civil rights stories and utilizing the past to construct identity can unlock new potential in addressing

¹ *Brown v. Board of Education*, 347 U.S. 483 (1954), 495.

contemporary racial injustice. As a point when a public deliberately pauses to mark the passage of time, an anniversary is bounded enough to prove feasible for scholarly inquiry, yet dynamic enough to illustrate the changing relationships between history and any given “present” moment.² Recall the definition from Chapter One of anniversary as *kairos* + *chronos*, or the opportune moment situated on a continuum-style timeline. Like John Edwin Smith’s metaphor of aging wine, there is a “right time” and best quality, and without an appreciation for both, one might miss the art of the final product, the moment in relation to the timeline.³ Without appreciation for both conceptions of time, it would be easy to miss the relationship between the process of memory and the resulting narrative. Anniversaries, as we have seen through three extended examples in this dissertation, provide an opportunity to mark the *kairotic* again and again, circling in a spiral, deploying *chronos* to situate (or resituate) this present, and the next, and so on. Anniversaries present a reflexive point in memory to redefine, align, or promote memory in different configurations. In this dissertation, those anniversaries represent the reflexivity of coordinated regional

² Recall, as discussed in Chapter One that Eviatar Zerubavel offers a stark observation on this point: “There is absolutely nothing natural... about annual anniversaries,” but by their very functions, anniversaries are epideictic, asking the public to reevaluate the existing relationship to the event, perhaps even redefining this connection. Eviatar Zerubavel, *Time Maps: Collective Memory and the Social Shape of the Past* (Chicago: The University of Chicago Press, 2003), 47.

³ Philosopher John Edwin Smith articulates that although necessary, *chronos* proves an insufficient measure of appreciating time, while *kairos* is unable to address context. Using the process of aging wine as a metaphor, Smith juxtaposes the length of time (*chronos*) against the critical moment (*kairos*); see John E. Smith, “Time, Times, and the ‘Right Time’: ‘Chronos’ and ‘Kairos,’” *The Monist* 53(1969), 4.

actions, of nationally codified memories, and the continued maintenance and construction of regional and counter-regional identities.

This dissertation engaged with reclamation of *Brown* through coordinated regionalism in Chapter Two, where I argued that the NAACP's proclamation campaign in 1979 promoted future action and re-established the cultural power of the NAACP. In Chapter Three, I analyzed the creation of a *lieux de memoire* through the *Brown v. Board of Education* National Historic Site and Museum and the dedication ceremony in 2004, explicating two parallel frames of celebration and commemoration, tracing how neoliberal assumptions about race played a central role in how a speaker constructed public memory of *Brown*. Finally, Chapter Four explored the ways in which counter-memory helped Topekans articulate a counter-regional identity, using existing symbols and institutions in the larger public memory of *Brown* to reclaim and redefine their own experiences. What each of these cases reveals is the pressing need to address issues of race and representation, especially in light of persistent segregation nearly 65 years after *Brown*.

Throughout, I have addressed three research questions, focused on the construction and deployment of public memory of *Brown* from the perspective of annual anniversary commemorations. I investigated the ideas highlighted or obscured at three anniversary moments in the history of *Brown* in an effort to explicate themes of race and memory implicated in the rhetorical culture of their respective presents. Additionally, I have argued that while monumental and non-monumental anniversaries share some similarities, they support identity construction at different levels: (counter) regional or national. Additionally, I have recovered specific details

of these three anniversary commemorative events and examined how they functioned in their specific contexts. As such, this dissertation is a case study that demonstrates how identity, difference, and race are refracted through public memory. Now, in this conclusion I turn to my final research question for this study: how might critical attention to anniversary commemorations of *Brown v. Board of Education*, informed by White's justice-as-translation, offer resources to address persistent *de facto* segregation and injustice?

I argue, by demonstration in this conclusion, that a study of public memory actually produces a third text, one constituted by critical attention to the construction of memory. Through this approach to my conclusion, I demonstrate that public memory provides a different way to discuss enacting justice, when more traditional remedies for injustices (like Supreme Court decisions) fail to produce enumerated goals. Critical attention to public memory of *Brown v. Board of Education* alters our relationship to the case, illuminating ways in which our conception of *Brown* has been shaped over time. As such, I propose that the "translation" I perform here represents a different approach to addressing issues of race and *de facto* segregation. Obviously, these are not public policy prescriptions or even discussions aimed towards resolution in the form of social justice. Instead, I argue that directing attention to the construction of public memory performs a kind of narrative justice, one that extends White's justice-as-translation by enacting a type of moral, critical scholarship. As I have stated throughout the project, discussions about race are difficult and investigation of memory is necessarily complex. Scholarship that combines the two, such as Kristan Poirot and Shevaun E. Watson or Davi Johnson

Thornton, among others, have laid the groundwork for my claims in this project about justice, race, and memory.⁴ In order to contribute to this conversation, this conclusion provides an illustrative example of *de facto* segregation, before laying out the theory of justice as translation and applying it to this study of public memory of *Brown* anniversaries.

Addressing the Legacy of De Facto Segregation

Among other places in social and public life, *de facto* segregation persists in public school systems nationwide. Many facets of life in the United States remain segregated even many years beyond the elimination of legal, or *de jure* segregation. Although there are numerous examples I could draw from, I will spend my space here on an illustrative example of codified social segregation: the practice of segregated proms. Although school segregation has been outlawed since the *Brown* decision in 1954, many schools (primarily in the South) still continued the practice of hosting racially divided spring formals, or proms, predicated on tradition but revealing the deep-seated fear of interracial relationships. However, in the late 2000s efforts on the part of high school students to integrate their formal events drew attention, from an in-person and online fundraising campaign to a documentary and renewed media

⁴ Kristen Poirot and Shavaun E. Watson, "Memories of Freedom and White Resilience: Place, Tourism, and Urban Slavery," *Rhetoric Society Quarterly* 45, no. 2 (2015): 91-116; Davi Johnson Thornton, "The Rhetoric of Civil Rights Photographs: James Meredith's March Against Fear," *Rhetoric & Public Affairs* 16, no. 3 (2013): 457-488.

attention to the continued social segregation of black and white students.⁵ In perhaps two of the most prominent recent examples, both from Georgia, the issue of segregated proms rose to the level of national significance beginning 2009. Photographer Gillian Laub (who would later return to create a documentary) published a piece in the *New York Times Magazine* about Montgomery County, Georgia and their tradition of segregated proms. Laub, focused on the division perpetuated by the “tradition” of separate proms, writes that both black and white students often express lament and a desire to share the high school rite of passage where “interracial friendships are common,” but the plans for an integrated prom never seem to gain traction.⁶ A few years later in 2013, students from Wilcox County, Georgia publicized their fight to integrate their prom, using the crowdsourcing site Kickstarter.com to raise money for an integrated prom and turning to their local news for support, eventually gaining national traction when their story was picked up by newer online news outlets like *Buzzfeed* and *Huffington Post*. Bearing the headline, “Yes, There Are Still Segregated Proms in the 21st Century,” *Buzzfeed* highlighted Wilcox students’ feelings – the same frustrations that were expressed by students in

⁵ Supporters could follow and read about the efforts to integrate the prom in Wilcox, Georgia on the group’s Facebook page, which included a direct PayPal link for donations, as well as links to media coverage they received and, eventually, photos from their event; see “Integrated Prom,” *Facebook*, <https://www.facebook.com/IntegratedProm2013/>; “Southern Rites” was an HBO documentary that focused on the 2009 photographs taken in Montgomery, Georgia by Gillian Laub, who produced and directed the film; see “Southern Rites,” Directed by Gillian Laub, *HBO*, 2015, <https://www.hbo.com/documentaries/southern-rites>.

⁶ Sarah Corbett, “A Prom Divided,” *New York Times Magazine*, May 21, 2009, https://www.nytimes.com/2009/05/24/magazine/24prom-t.html?pagewanted=all&_r=0.

Montgomery: “We’re embarrassed, it’s embarrassing... If we don’t change it, nobody else will.”⁷

With varying success, high schools across the South have integrated their proms, despite resistance from parents and communities determined to preserve “tradition.” To realign norms in their communities, these high school students raised the issue of integrated proms to a level of “national outrage” in order to spark conversations about social equality and race – even in the 21st century.⁸ Prom represents an annual rite of passage for many high schoolers, and as such is bound up in memories and transition from childhood into adulthood. Segregated proms illustrate the paradoxical ways that race is at once central to and absent from construction of public memory, as well as the opportunity provided by an annual event to redefine the role of race in such memories. As one black student explained to Laub in 2009, she kept checking her phone on the night of the white students’ prom, “Because I’m thinking that these people love me and I love them, but I don’t know. Tonight’s a different story.”⁹ Conversely, national media coverage of these events directed attention to continued problematic constructions of race, of equality, and of

⁷ Ellie Hall, “Yes, There Are Still Segregated Proms In The 21st Century,” *BuzzFeed News*, April 5, 2013, <https://www.buzzfeednews.com/article/ellievhall/yes-there-are-still-segregated-proms-in-the-21st-century>.

⁸ *The Cut* refers to Laub’s piece in the *New York Times* as prompting “national outrage” over the continued social (and officially sanctioned) segregation in Georgia; see Vanessa Grigoriadis, “A New Documentary Explores the Recent History of Segregated Proms,” *The Cut*, <https://www.thecut.com/2015/05/new-documentary-explores-segregated-proms.html>.

⁹ Corbett, “A Prom Divided.”

opportunity.¹⁰ As “invitation-only” events, the private, segregated proms have perpetuated the system of social segregation, but direct challenges to such “traditions” from the high school students involved in the events, with the help of social media, have organized and funded them by appealing to a national audience. Resistance to social integration and inability to discuss race are similar to the controversies that have clouded the potential for the *Brown* decision to address the systematic inequalities that exist for students of color. If outlawing segregation in *Brown* is analogous to achieving equality, then *Brown* ushered in a post-racial paradigm. Although this narrative may be advanced by some, examination of these three anniversaries suggests there is more to the legacy of *Brown*, at both national and regional levels of discourse.

The reality of re-segregation reflects the legacy and limitations of *Brown v. Board of Education*, and the constructed public memory of the case. If, as a society, we believe that we are done – that we have achieved equality or accept the equality that we have achieved – than we are less likely to remain vigilant and active in the quest for equality. In fact, this assertion reflects recent Supreme Court rulings that conclude the time for affirmative racial classification has passed.¹¹ Thus, this project

¹⁰ For examples of “incredulous” headlines, see Rebecca Klein, “School District Holds First Official Integrated Prom (And Yes, You Are Reading This In 2014),” *Huffington Post*, April 3, 2014, https://www.huffpost.com/entry/wilcox-integrated-prom-2014_n_5072414; Hall, “Yes, There Are Still Segregated Proms In The 21st Century.”

¹¹ Chief Justice John Roberts wrote in 2007 in *Parents Involved vs. Seattle School District No. 1* that the “way to stop discrimination on the basis of race is to stop discriminating on the basis of race.” This tautological argument was later criticized by Justice Sonia Sotomayor in the Court’s decision in *Schuette v. Coalition to Defend*

directs attention to the injustice of persistent segregation by enacting White's activity of translation, and presenting a different application for the study of public memory, one which advances a form of narrative justice – of bringing together the legacy of the case and its dis/continuity with contemporary material circumstances. Exploring the relationship between the past and present offers the chance to fundamentally reframe the discussion about race, memory, and the legacy of *Brown*.

Doing Rhetorical (Moral, Racial, Critical) Criticism

James F. Klumpp and Thomas A. Hollihan challenged rhetorical scholars to consider their work as moral action, as the catalyst for addressing the work undone in the world.¹² This project extends that call for action by theorizing new ways in which the study of public memory texts can be understood as enacting narrative justice. Through the act of rhetorical criticism of three texts related to *Brown v. Board of Education* anniversary commemorations, this dissertation enacts a version of White's translation, presenting itself as a third text that projects a moral vision into the world as a form of narrative justice.

Affirmative Action (2014) where she wrote that “the way to stop discrimination on the basis of race is to speak openly and candidly on the subject of race, and to apply the Constitution with eyes open to the unfortunate effects of centuries of racial discrimination.” These two decisions were issued in the last 10 years, following 60 years of disagreement on the appropriateness and application of racial classification in public education. This signals that there is more to come – making an alternative approach to discussing racial injustices perhaps even more compelling. See *Parents Involved in Community Schools v. Seattle School Dist. No. 1*, 551 U.S. 701 (2007), 40-1; see also *Schuette v. Coalition to Defend Affirmative Action*, 572 U.S. (2014).

¹² James F. Klumpp and Thomas A. Hollihan, “Rhetorical Criticism as Moral Action,” *Quarterly Journal of Speech* 75 (1989): 84-97.

The plaintiffs in *Brown v. Board of Education* were seeking legal remedy to the injustices of segregation in public education, and they addressed the court system, which had the power to provide that remedy. Although the plaintiffs won their case, we have seen how application of the principle of equal protection under the law has been, put mildly, unevenly distributed. A legal form of justice is not the only type of justice, however. For James Boyd White, the formalism of law was merely a springboard for exploring the process of meaning-making, asserting that the law is not a place to determine outcomes, but rather an activity drawn from the relationships of actors and texts.¹³ By extending his theory of justice-as-translation, I seek to broaden the ways in which we might conceive of different ways to enact justice, viewing it as an activity, located outside of the courtroom.

From White's position, the law is performative, a reflection of relationships in lived experience. "Translation" is the activity performed where two texts, for example Homer Plessy's claim and the Louisiana state statute, meet and are transformed into a third – the *Plessy v. Ferguson* (1896) decision. I extend White's logic of translation to address the ways the activity of my own scholarship might enact a form of narrative justice, a moral action that investigates work undone in our own rhetorical cultures. Because justice can be understood as performed in language and networks, White's

¹³ As defined in Chapter One, White writes that meaning is located in "the text I make in talking to you, and in your response to it" and observes that words do not carry around meaning "like pieces of freight," that it is the interaction between interlocutors, speakers and audience, and the like that creates meaning; James Boyd White, *Justice As Translation* (Chicago: The University of Chicago Press, 1990), 229-30.

formulation says that existing texts can be read together, *translated* into a *new* singular text, to use as a resource to address injustice.

The concept of justice-as-translation offers a new way to take steps toward a meaningful discussion of race and racism. I argue that this type of study can function as a form of justice, and in the rest of this conclusion, I will demonstrate how application of this theory can enhance studies of public memory. If translation is the activity of reading two texts together, then I argue we can extend this logic to the activity of rhetorical criticism. Here, my critical attention of the public memory of *Brown* has created a “third text,” a trace of the ways in which public memory of *Brown* has been shaped over the last 60 years. By aggregating and analyzing anniversary commemorations, I have produced a critical examination of a chronotic scope of public memory of *Brown* providing a wider scope than a singular anniversary study could have offered. Yes, there are conclusions to draw about how these texts function individually, but by reading them together as an opportunity to inform critical discussion about memory and race, I engage Klumpp and Hollihan’s moral criticism and Lisa Flores’ charge to address race in rhetorical criticism.

Translating Justice

The critical examinations of *Brown v. Board of Education* anniversaries in this dissertation sets the anniversaries apart as the object of study, translating the decision and the commemorative event into a form of narrative justice, wherein critical attention to public memory of *Brown* informs a better way to teach and talk about the case, race, and memory. Talking about race is not just important, it is a moral

imperative. Public memory of *Brown* is the story of race and, over time, of neoliberal racism masquerading as equality and publics (re)constructing their own identities. The resulting product is an explicit discussion of how my critical attention to the chronotic public memory of *Brown* informs discussion about race and *de facto* segregation in the contemporary U.S. Consequently, there are five observations this study advances, as ways of addressing the role of race in *Brown* and its impact on our contemporary lives; these five observations contribute to a conscious effort to speak about and study race in a meaningful way from a rhetorical, critical, and moral perspective.

First, *Brown* is often characterized as an “unfulfilled promise,” a rhetorical characterization on display at the 25th in 1979. Supported by the material circumstances of demographic re-segregation trends and *de facto* segregation, this characterization of *Brown* is directly at odds with post-racial discourse or attempts to glorify the achievement of equality afforded by the decision. If the unfulfilled promise were central to public memory of *Brown*, it would directly contradict the idea of *Brown* as “achievement” and perhaps contribute to dialogue about race, equality, and policy. Although the “unfulfilled promise” is a recurring theme in anniversary discourse, as evident by the three texts examined here, it is often mitigated by other voices or smaller goals. For example, at the 25th, regional proclamations demanded a study of solutions, not immediate equality. Similarly, the 50th and 64th anniversaries highlighted positives prominently alongside the “unfulfilled promise” narrative. The study of these texts as translation highlights the repeating themes and fosters

connections across time, enacting a form of narrative justice that offers a more complete image of the legacy of *Brown* than available by the study of one texts alone.

The second observation is a critique of the perhaps well-intentioned, but damaging, position that education among whites is the only way to receive the best, quality education. While the decision in *Brown v. Board of Education* determined that separate could not be equal, it simultaneously *rearticulated* problematic judgments about African Americans' deficit as citizens. In the background section of Chapter One, I reviewed scholarly arguments about the damage *Brown* caused. Donald L.W. Howie notes that perpetuated the notion that black school children could only benefit from integration and represented "the quintessential Plessy," easily maintaining the "notorious legacy of american racism [sic]" by reinscribing the same system that relegated Dred Scott to the status of property."¹⁴ Catherine Prendergrast argues that *Brown* "resulted in defining racism as school segregation."¹⁵ This view of *Brown v. Board of Education* as an achievement of justice through desegregated education implicitly repeats and reaffirms assumptions of racial hierarchy. However, it also represents a debate that is difficult to manage without a distinct and deliberate willingness to explicitly discuss racial classification. Although most prominent in Chapter Three, this need to discuss race explicitly is one of the contributions of

¹⁴ Donald L. W. Howie, "The Image of Black People in Brown V. Board of Education," *Journal of Black Studies* 3, no. 3 (1973), 234.

¹⁵ Catherine Prendergast, *Literacy and Racial Justice: The Politics of Learning After Brown v. Board of Education* (Carbondale: Southern Illinois University, 2003), 3, 19-20.

narrative justice – that there is value in directing attention to the ways that race always already operates in rhetorical culture. This same tension plays out in affirmative action and colorblind approaches to inequality in American political life, but if we can discuss race, aware (and in an attempt to avoid) of such problematic constructions as integration as the only way to achieve equality, we can better engage in debates over policy and future possibilities.

However, the public memory of *Brown* is often deployed as evidence of a post-racial paradigm, and so my third observation is that *Brown* is repeatedly treated as the national triumph over racism. As I have already briefly touched on, constructions of race and equality remain unfulfilled, here I focus on just two consequences of a triumphant narrative: the denial of sacrifice by African Americans to obtain the ruling in *Brown* and the denial of persistent, *de facto* segregation. Both can be seen constituted across the dissertation and both are consequential when discussing race in a meaningful way. A post-racial discourse denies the material reality (as laid out in Chapter One) that the hundreds of African American families who filed and joined cases like *Brown*, challenging segregation in American cities over 150 years, required sacrifice and risk. Heralding *Brown* as an achievement often elides the ways in which whites openly resisted the order to integrate, but there is also little public discourse concerning white flight, school-choice programs, and persistent social segregation as consequences of *Brown*. The problem with this is that if *Brown* marks the national triumph over racism, then there is no exigence that requires meaningfully engaging with *de facto* segregation as problematic. Instead of evidence of a post-racial paradigm, then, the moral action of translating justice requires explicit

discussion of race to push back on this narrative, a move that critical scholarship should advance where appropriate, as I have done in Chapters Three and Four.

Fourth, the legacy of *Brown* informs discussion about the benefit of segregated spaces, not as a neoliberal denial of difference or a racist instantiation of inferiority, but rather as the cultural and structural support for championing such difference and establishing spaces that foster identity and black culture. Critical regionalism (and counter-regionalism) add depth to the study of anniversary commemorative events, offering a framework and vocabulary to interrogate how publics at multiple levels shape memory and identity. One example of this is examined in Chapter Four, as expression of regret in the counter-memories in Topeka at the 64th, a way to name the sense of loss of the pride and support that black elementary schools, and specifically black teachers, had provided during formative years for black students. Like the previous observations, race plays a prominent role in the memory of *Brown*, but unlike the others, this observation recognizes the negative impacts of *Brown* and the loss of black space. The importance of discussing race extends beyond the positive contributions of integration and highlighting the loss of black cultural spaces also enacts a form of narrative justice.

Fifth, and finally, translating justice through the study of public memory of anniversaries is one way to rethink ways to address persistent, societal problems. I offer extending White's justice-as-translation as one way to produce these results, but it is not an exhaustive move. As Flores suggests, rhetorical critics already do address race fundamentally as a discipline – along with other foundational and crucial identities which influence rhetoric. However, she says we need to do it more and do it

well, which can be a challenge and requires a concerted effort on the part of rhetorical critics. But it also requires a concerted effort to find a space and justify the work you do, which I use Klumpp and Hollihan to guide me for. Talking about race, as a white woman, also requires enacting what Nakayama and Krizek term the reflexivity of whiteness. Thus, the final observation reflects the ways in which the critical, racial, and moral approach to scholarship can open up new avenues to continue to expand the field.

The Limitations of Translation and Narrative Justice

Studying the public memory of *Brown* across time and different anniversaries creates a text which can better account for the fluidity of public memory than a study that focuses on a single anniversary or present construction of memory. For White, justice was grounded in the performance of legal formalism, but his theory of justice as translation can be extrapolated to a different form. As enacted in this dissertation, the narrative justice I have endeavored to perform draws critical attention to the ways in which race and memory are constructed in multiple presents. A major shift in the legal order of the United States, *Brown* declared segregation unconstitutional, but as material circumstances demonstrate, the persistence of *de facto* segregation highlights the work left undone. As a part of the anniversary commemorations examined in this dissertation, there have been different ways in which the memory of *Brown* was constructed, as both national and (counter)regional identity formations that seek to (re)claim the decision and its impact in their present context.

Thus, while we are able to see the ways that public memory of *Brown* shifts over time, it is critical to recognize that this is not an exhaustive study. With more time and resources for researching and recovering texts, there are more than 50 additional anniversaries that would thicken my tracing of the anniversary memories of *Brown*, particularly non-monumental anniversaries where the absence of wide-scale commemorations could prove interesting. However, because of the non-monumental nature, these texts are also highly inaccessible and would need to be meticulously gathered from a variety of archives and sources.

This study is also limited to place and time. As a rhetorical critic, directing my attention to Topeka as a focal point necessarily meant directing attention away from other regions and areas that are integral to memory of *Brown*, reproducing some of the hegemonic structure of memory in the first place. In future work, I might look to explore some of the other texts I have collected in archival research, to further explore the NAACP's continued commemorations of *Brown* as well as how individual rhetors and figures, like Cheryl Brown Henderson, engage rhetorically in construction of public memory and the tensions with Topeka and the NHS and Museum. Finally, there are limitations to the ways that narrative justice can address or alleviate continued racial inequalities. Although there is a real need for policy prescriptions and actionable steps, I hope that the project here contributes to a revisioning of the ways in which the act of remembering offers the hope that we might be able to advance a different future. Justice can be viewed as processual – not an achievement. Where the text centers on some past wrong, studying the ongoing public memorialization of that wrong can enact narrative justice by creating a third

text that stimulates ongoing reflection and action. In other words, critical attention to how anniversaries shape an understanding of in/justice in the past is itself a kind of moral action that projects a more just possible future.

Appendix A: Photos from *Brown v. Board of Education* National Historic Site and Museum (2018)

All photos in this appendix were taken by the author.



Figure 1, panel outside *Brown v. Board of Education* NHS

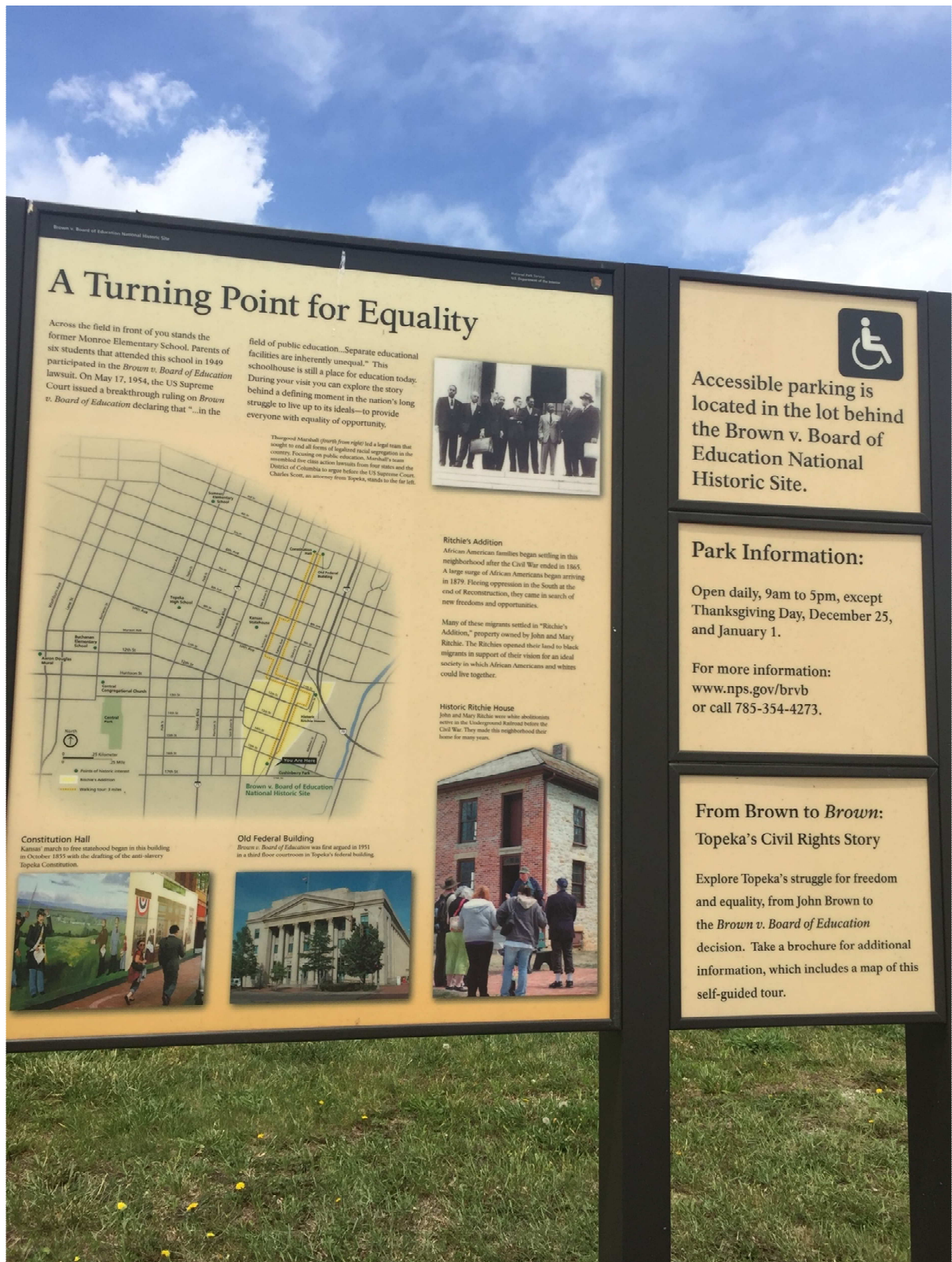


Figure 2, panel outside of Brown v. Board of Education NHS



Figure 3, Approach to Brown v. Board of Education NHS



Figure 4, "White" and "Colored" Signs in the NHS foyer



Figure 5, "Demanding Equality" Interactive Exhibit

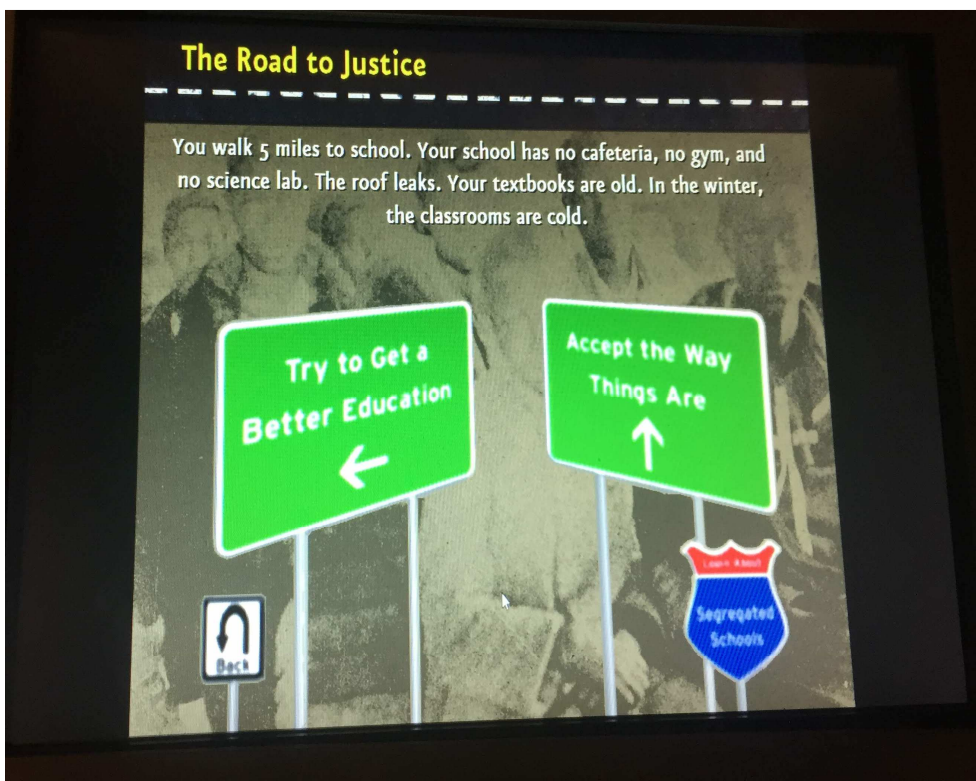


Figure 6, Screenshot from "Road to Justice" game

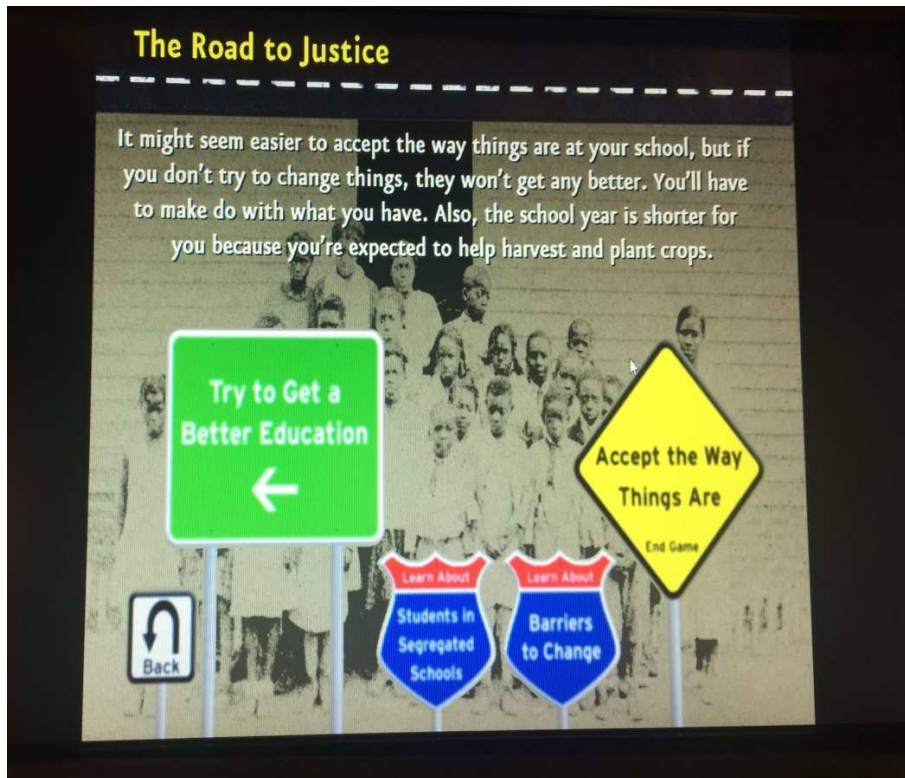


Figure 7, Screenshot of "Road to Justice" game

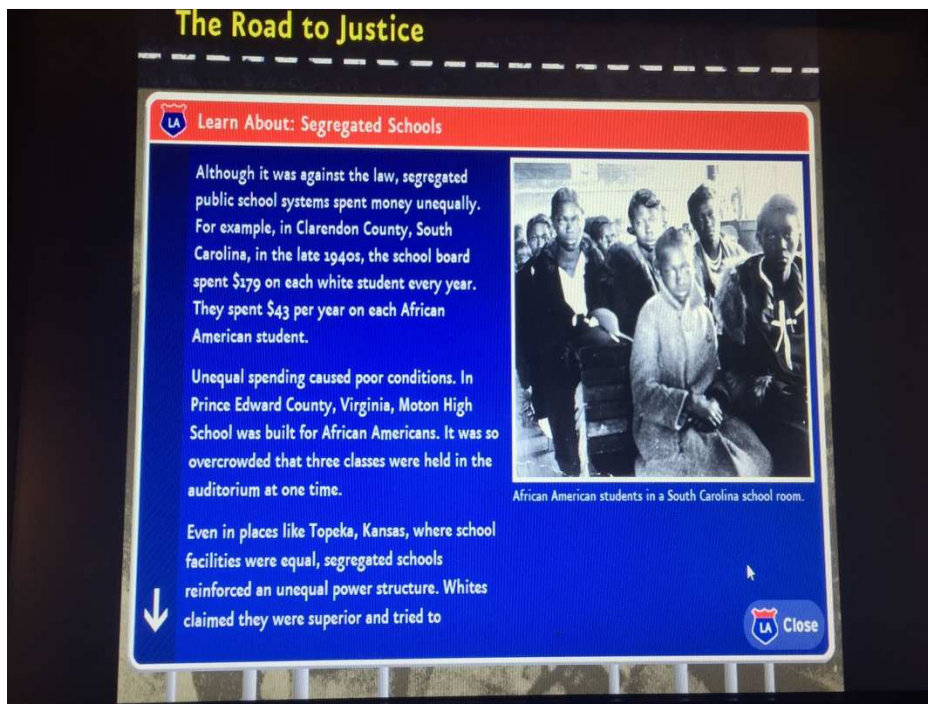


Figure 8, Example of content screen in "Road to Justice" game.

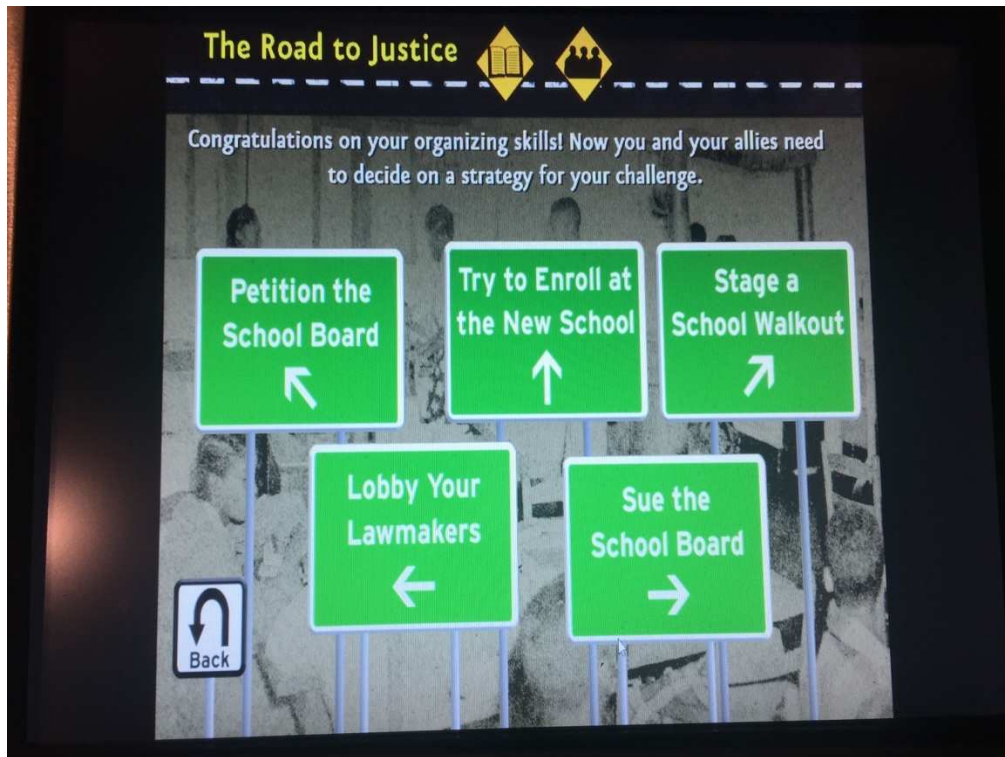


Figure 9, Screenshot towards the end of "Road to Justice" game.

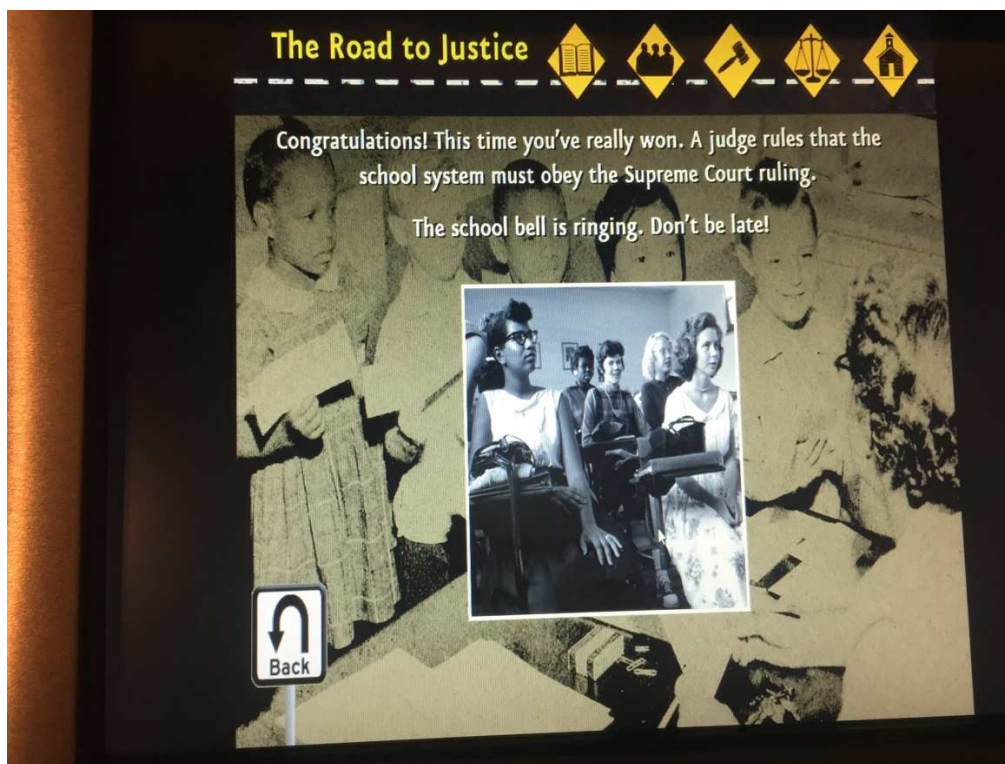


Figure 10, Final screen in "Road to Justice" game.



Figure 11, Entrance to the Hall of Courage.

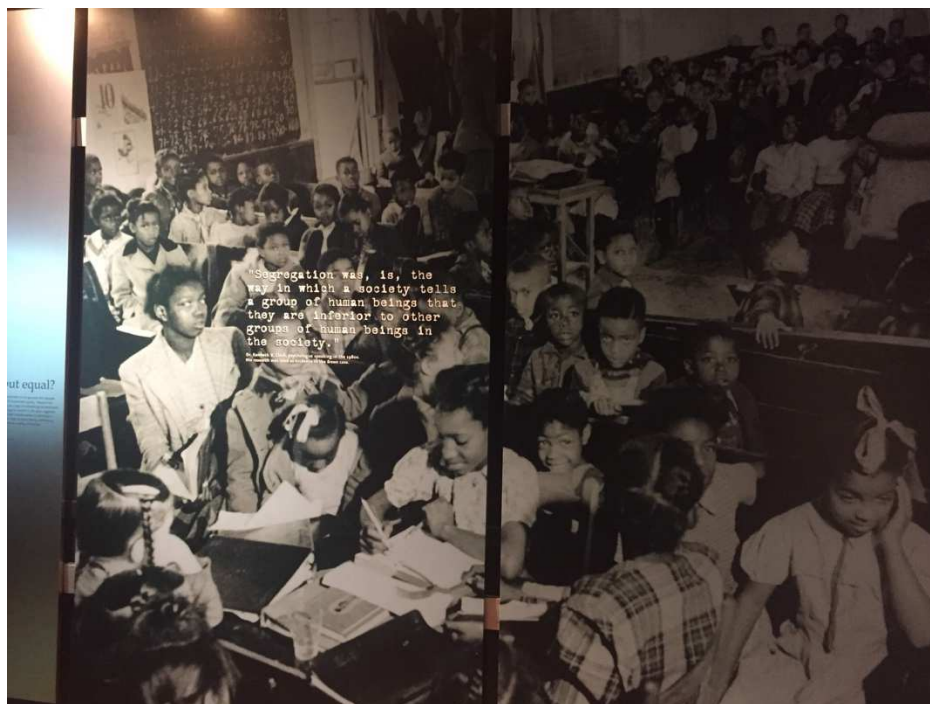


Figure 12, Exit from the Hall of Courage.



Figure 13, the Hall of Courage.

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